THE

MAGISTRATE's ASSISTANT;

OR, A

SUMMARY OF THOSE LAWS

WHICH IMMEDIATELY RESPECT

THE CONDUCT

OF

A JUSTICE OF THE PEACE:

CONTINUED TO THE

END OF THE SESSION—1793.

TO WHICH ARE ADDED,

FORMS OF WARRANTS, SUMMONSES,

AND

RECOGNIZANCES;

FORMS OF CONVICTION, AND OATHS OF OFFICE.

THE THIRD EDITION.

BY A COUNTRY MAGISTRATE.

Legum Ministri, Magistratus; Legum Interpretes, Judices. Cic.

GLOCESTER:

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M.DCC.XCIV.


BRITISH MUSEUM
NOV
72

TO

EDWARD MONTAGU, Esq.

MASTER IN CHANCERY,

AND ONE OF

HIS MAJESTY's JUSTICES OF THE PEACE FOR THE COUNTY OF MIDDLESEX, &c. &c.

DEAR SIR,

THE laſt Edition of this Work was honoured with the very reſpectable name of your Noble Relation, his Grace the late Duke of MONTAGU, whoſe character, it is needleſs to obſerve, was univerſally reſpected; and whoſe departure was more particularly felt and regretted by thoſe who had moſt frequent opportunities of acceſs, and conſequently were beſt acquainted with his Grace's many amiable virtues: It was not leaſt ſenſibly felt and regretted by that SOCIETY, over which he preſided, with equal dignity and condeſcenſion: A SOCIETY, whoſe object, as you well know, Sir, is to give energy to the endeavours of the Magiſtrate, for the ſuppreſſion of Vice and Immorality. The efforts of this SOCIETY were encouraged in its infancy, and the attendance of its Members was rendered moſt agreeable, by the politeneſs of its Preſident, and the affability with which they were uniformly received.

The loſs of its firſt illuſtrious Preſident was in due time ſupplied by another Nobleman of diſtinguiſhed character, whoſe integrity, in the higheſt depart-

* Earl Bathurſt.

ment of the Law, and of the Britiſh Senate, is too well known, to need the teſtimony of any individual, much leſs ſuch a feeble ſuffrage as the preſent. His Lordſhip's declining health unhappily deprived the Society too ſoon of the honour and ſatisfaction of his valuable ſuperintendence; which additional ſtroke would have been more ſeverely felt, if the ſame condeſcenſion, and the ſame friendly aſſiſtance, were not confidently expected from the Right Rev. † Prelate, who now fills the Preſident's Chair.

You, Sir, who have ſo kindly afforded your valuable ſupport to the meaſures of this Society, when your other manifold engagements would admit of your attendance, will rejoice to find, that its efforts have not been ineffectual: But that, on the contrary, its exertions have been productive of much important benefit to the Community. To theſe we may impute, under the ſanction of ſeveral recent acts of Parliament, the eſtabliſhment of a purer Magiſtracy in the Metropolis and its vicinity: To theſe we may aſcribe a very conſiderable diminution of vexatious litigations; an almoſt entire ſuppreſſion of idle and diſorderly vagrancy, and a far better regulation of public houſes.

Of theſe benefits, you, Sir, muſt have been a witneſs, not only in your attendance on our Seſſions-Court, but alſo in your private adminiſtration of juſtice within your populous diſtrict, in which you are well known to be diligently employed in reconciling differences; in informing the ignorant; in reſtraining the vicious; and in promoting the cauſe of Virtue and Morality, to the utmoſt extent of your influence and authority.

The following (it is hoped, improved) Edition of this Work would not have ſolicited the honourable patronage

† Biſhop of London.

patronage of your name, if the Editor had not been well aware, that candour is generally found to go hand in hand with ſuperior information. The ſeverities of criticiſm are chiefly to be apprehended from thoſe whoſe knowledge is ſuperficial, and their diſpoſition envious: The Editor has nothing to fear from one, who will be as ready to make allowances for the imperfections in this Publication, as he is able to diſcover them.

May your health, Sir, and your ability to do good, in a variety of ſituations, long continue: And may your upright diſcharge of the duties of a Magiſtrate for many ſucceeding years, afford one, amidſt a multitude of other teſtimonies, that the Magiſtracy of the county of Middleſex is, at leaſt, as diſintereſted and reſpectable as any other Commiſſion of the Peace in the Kingdom.

I have the honour to be,

With the ſincereſt reſpect,

Dear Sir,

Your moſt obedient and faithful

humble ſervant and fellow-labourer,

THE EDITOR.

TO THE

READER.

THE high eſtimation in which Dr. Burn's *Work, entitled,* The Juſtice of the Peace and Pariſh Officer, *has long been deſervedly holden, encourages the Editor of the following ſheets to hope, that another ſtructure raiſed, with a ſimilar deſign, on ſo ſolid a foundation, though to a much leſs elevated height, will not be deemed unworthy of the public notice. It claims very little merit, but what is derived from a new arrangement of that uſeful information, for which this country is ſo much indebted to the labours of the eminent Compiler already mentioned.*

Its merit, if it has any, chiefly conſiſts in pointing out more immediately to the eye of the Magiſtrate, who may be ſuppoſed to have many other engagements on his hands, that line of conduct, which, in almoſt every emergency, it is his duty to purſue. The authorities, as well from the common, as the ſtatute law, are indeed leſs numerous than in many other books of this kind; yet it is hoped, that they

are

are ſufficiently copious for direction how to proceed in every ordinary caſe which may occur. The ſtatutes, as to every thing material, are faithfully recited: And though ſome technical expreſſions, not of the eſſence of the law, may, for brevity's ſake, be omitted, the Editor flatters himſelf, that what remains will be abundantly ſufficient to guard the perſon who conſults them from any error in his deciſion. Adjudged caſes, for the confirmation of his judgment, may be found at large in many very judicious collections of this ſort: The work of Lord Dudley and Ward, *and* T. Cunningham, *Eſq; entitled,* "The Law of a Juſtice of the Peace and Pariſh Officer, &c." *is a moſt valuable collection of information on this ſubject. And the Magiſtrate will find it prudent to have ſuch uſeful books of reference as that compilation, and alſo* Dr. Burn's Juſtice of the Peace, *always at his hand. But with all theſe at his command, he nevertheleſs ſtands in need of ſome more* obvious *direction, when he is wiſhing to diſpatch the buſineſs which preſents itſelf, with expedition, ſafety, and ſatisfaction to himſelf and others.*

It is well known, that ſeveral compilations of a ſimilar nature with this have been heretofore offered to the public, under a great variety of titles and deſcriptions: And there is no doubt, that the Magiſtrate has derived no inconſiderable advantage from the

lights communicated to him by such publications: And—valeant quantum valere possint—*is our sincere desire: We by no means wish to raise the reputation of the following work, by depreciating the merits of any other. The reader is left at full liberty (and this liberty he certainly would take, whether we indulged him with it or not) to call to his assistance those productions, which he thinks most likely to direct, secure, and satisfy him in the discharge of his duty.*

In the mean time, when a matter of doubt and difficulty is before him (and such he must expect will sometimes occur) he will be happy to avail himself of that liberal sentiment of one of the most illustrious ornaments of this or any other nation: "Where the Magistrate appears to have been misguided by an erroneous judgment, without any purpose of doing ill, GOD forbid (says this venerable Personage) that the courts of law should not give him credit for the purity of his intention, and put the most favourable construction on his conduct, that the case can possibly admit of."*

This is, in substance, the declaration, which, coming from such respectable authority, has doubtless encouraged many to engage in the useful employment of a

* The late Lord Chief Justice of the King's Bench.

Juſtice of the Peace, who would otherwiſe have been very cautious of expoſing themſelves to the diſagreeable conſequence of a faux pas *in interpreting the laws. The indulgence here given, emboldens thoſe who are diſpoſed to act, under the directions of an honeſt intention, and a plain underſtanding, freely to exerciſe their beſt judgment; no longer apprehenſive, that the want of form, or the omiſſion of ſome legal punctilio, may bring them within the reach of the cenſures of a ſuperior court.*

It is not, however, inſinuated, that indifference or wilful negligence is at any rate excuſeable in interpreting or enforcing a plain and poſitive ſtatute: On the contrary, frequent occaſions will offer themſelves, wherein it is impoſſible to be too minutely preciſe; becauſe, in ſuch caſes, every advantage will aſſuredly be taken of any want of accuracy, or of the ſmalleſt inattention to the letter of the law. As a proof of this, and to convince the Magiſtrate of the neceſſity of extreme carefulneſs in his duty, it may not be amiſs to obſerve, that Dr. Burn *enumerates not leſs than* twenty *inſtances, in which an* Order of Removal *has been, or is liable to be, quaſhed, on account of ſome apparently inſignificant error in the mere matter of form. All, therefore, which is intended by the encouragement holden forth, as above, is to remove from the mind of a well-meaning, but timorous Magiſtrate,*

giſtrate, the apprehenſion of ſomething more, perhaps, than cenſure, *for an involuntary error in his conduct; but no licence is hereby given him to triſle with the obvious directions of a ſtatute, or to adopt a latitude of interpretation, which is neither ſaſe nor warrantable.*

It was certainly an inſtance of equal candour and wiſdom to encourage, as much as poſſible, thoſe perſons to ſtep forward, who, though their rank and ſituation in life, as well as their liberal education, marked them as moſt proper for this office, had yet been found too generally averſe from engaging in it. We will not allow ourſelves to impute this backwardneſs to a mere love of diſſipation, or a mere diſlike to buſineſs. We are willing to think, that there are very few individuals of the above deſcription, in point of rank, fortune, and education, who would not feel great ſatisfaction in finding themſelves materially ſerviceable to their country, in the diſcharge of an office ſo important to the ſuppreſſion of vice, and to the advancement and ſecurity of the public welfare: We have ſeen, and now ſee them, cheerfully foregoing the comforts of domeſtic life, and readily withdrawing their attention from their private concerns, in order to devote their time, and ſome their fortune and their health, to the arduous duties of a military *life: Whence is it then that ſo few have been found*

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equally ready to dedicate ſome portion of their leiſure hours to the preſervation of public peace, and to the maintenance of good order and decency among their neighbours? It could only have ariſen from the apprehenſion of ſome more than ordinary obſtacles and impediments: They muſt ſurely have been deterred by the conſideration, that, in order to attain to a competent knowledge of the duties of a Magiſtrate, a tedious, thorny path was to be purſued; where no ſmall ſhare of difficulties would meet them by the way; and after all their labour, no inconſiderable danger of miſcarrying would be incurred, even under the beſt information, which, 'till of late years, they were able to procure.

It has been OUR *happier lot, to find theſe objections in a great meaſure removed: We have ſeen what light has been thrown on the ſtudy of the municipal and ſtatute laws, by the ingenious, elegant, and learned Commentaries of that accompliſhed writer,* SIR WILLIAM BLACKSTONE: *And we have good reaſon to hope, that the chair of Magiſtracy will in future more eaſily be filled by perſons of conſequence and reſpectability, well qualified for this uſeful department in ſociety; when we reflect, that the ſtudy of the common law makes at this time a very conſiderable part of academical education.*

But

But if no ſuch advantages as theſe ſubſiſted, the excellent work of Dr. Burn *would alone be ſufficient to remove the principal diſcouragement, which formerly deterred ſuch, as were not inured to the habits of cloſe enquiry, and toilſome reſearches. Since that work has been ſo univerſally received, and ſo juſtly admired and approved, the* Juſtice of the Peace *has ſeldom been at a loſs for neceſſary information in almoſt every common caſe: And perhaps the only apology which can be offered for hazarding the following attempt, when a work, ſo deſervedly eſteemed, is in almoſt every hand, is this: That the* four *volumes of* Dr. Burn, *though no Magiſtrate ought to be without them, as books of reference) compriſe much more, than it is neceſſary for a* Juſtice of the Peace *to inveſtigate, in the* ordinary *duties of his office: From theſe, undoubtedly, much ſatisfactory information may be derived on ſubjects of no inconſiderable importance, though not immediately connected with the duties of a Magiſtrate.*

If the following compendium ſhall be found in any degree to facilitate the adminiſtration of juſtice, by more obviouſly exhibiting all that is written in the law on every ordinary ſubject, the Editor flatters himſelf, he ſhall have rendered no inconſiderable ſervice to his brethren in the commiſſion; and will think his labours amply recompenſed by their favourable acceptance of his beſt endeavours.

ADVERTISEMENT.

ADVERTISEMENT.

IT may ſeem an unneceſſary treſpaſs on the Public, to offer to their notice this Third Edition of THE MAGISTRATE'S ASSISTANT; eſpecially when another ſource has been recently opened upon the ſame ſubject, with ſuch a body of information (as appears from the title of it) as muſt henceforth leave the erring Magiſtrate altogether without excuſe.

The long and well-deſerved reputation of *Burn's Juſtice of the Peace, &c.* has not, it ſeems, diſcouraged another able compiler from coming forward with a Work of equal magnitude, under the title of *The Whole Law relative to the Duty and Office of a Juſtice of the Peace, &c.*; but neither the labours of this learned Editor, Mr. WILLIAMS, nor thoſe of his predeceſſor, have induced us to alter our opinion, as delivered on the firſt appearance of this Work: Its utility as a Manual, or Book of immediate Reference, is ſtill the ſame: It does not pretend to ſuperſede the neceſſity of occaſional application to more voluminous publications; but it profeſſes to conduct the upright and well-deſigning Magiſtrate, by a ſhort and

and eaſy way, and with as little trouble, and as little waſte of time as may be, to the point, at which he wiſhes to arrive, viz. the Elucidation of the Truth, the Vindication of the Oppreſſed, the Reſtraint of the Diſobedient, and a due Adminiſtration of Juſtice towards all.

If this point is ſecured in the following Work, its end will be ſufficiently anſwered in all ordinary caſes: And where Magiſtrates have curioſity to inveſtigate, and leiſure to purſue their enquiries farther, they will never want the means of uſeful and entertaining reſearch, ſo long as the above-mentioned compilations, and alſo the very judicious Publication, by Mr. CONST, from the papers of Mr. BOTT, on the Poor Laws, are within their reach.

Acceſſary.

ACCESSARY is *one that is concerned in the felony by commandment, aid, or receipt.* — Acceſſary deſcribed.

In high treaſon, there are no acceſſaries, either before after; for all are principals.—In caſes that are criminal, not capital, ſuch as petty larceny, treſpaſs, &c. there are acceſſaries.—But as to felonies by act of parliament, thoſe t counſel or command the offence, are acceſſaries before; thoſe that knowingly receive the offender, are acceſſaries er. — 1 *Hale's Hiſt.* 613. None in high treaſon, &c. — Who before the fact, who after.

The buyer or receiver of ſtolen lead, iron, copper, braſs, metal, or ſolder, * knowing them to be ſtolen, may be victed, although the principal hath not been convicted; ſhall be tranſported for fourteen years. — 29 *G.* 2. *c.* 30. Buyers or receivers acceſſaries.

Every perſon, who ſhall buy or receive any ſtolen jewel or els, or any ſtolen gold or ſilver plate, watch or watches, owing the ſame to have been ſtolen, accompanied with a glary actually committed in ſtealing the ſame, or to have n feloniouſly taken by a robbery on the highway, ſhall be ble, as well before conviction of the principal felon, whe- r he be in or out of cuſtody, as after his conviction: and if h perſon, ſo buying or receiving, ſhall be convicted thereof, ſhall be guilty of felony, and tranſported for 14 years. — 10 *G.* 3. *c.* 48. Receivers of ſtolen goods acceſſaries. — how puniſhed.

dditional Duties on the Amount of the Duties under the Management of the Commiſſioners for the Affairs of Taxes.

BY this act, from *April* 5, 1791, an additional duty of 10 *per Cent.* upon the groſs amount, ſhall be raiſed on all eſſments made after that day under any act now in force, by Commiſſioners for taxes; and alſo upon the ſaid aſſeſſments the half year, ending *April* 5, 1791. — 31 *G.* 3. *c.* 5. On what aſſeſſments raiſed.

Nothing in this act contained ſhall extend, or be conſtrued extend, to the land tax; or to the duties on inhabited uſes, granted by 24 *G.* 3. *c.* 38. New duties are to be id in addition to the duties on houſes, &c. by 6 *G.* 3, *c.* ; on inhabited houſes, by 19 *G.* 3, *c.* 59; on waggons, c. by 23 *G.* 3, *c.* 66; on horſes, by 24 *G.* 3, *c.* 31, and *G.* 3, *c.* 49; on ſervants, by 25 *G.* 3, *c.* 43; and on — Exceptions.

* When ſo conſidered, See *Stolen Goods.*

coaches, &c. by 25 *G.* 3, *c.* 47, and 29 *G.* 3, *c.* 49. Th
Same Commissioners, &c. Commissioners, for putting in execution the several acts befo
mentioned, on the amount of which the said additional rat
or duties are hereby imposed, shall be Commissioners for ex
cuting the present act; and the several Receivers-General a
pointed, or who shall be appointed, to receive the said form
rates and duties, by virtue of the said former acts, shall, wit
out any new commission, or any further security, be Receive
General of the said additional rates or duties; and the sev
ral surveyors, inspectors, assessors, and collectors respectivel
appointed, or to be appointed, to put in execution the said s
veral acts before-mentioned, or any of them, shall be survey
ors, inspectors, assessors, and collectors, to put in executio
this present act.

When to be paid. From *April* 5, 1791, the additional duty is to be paid qua
terly; the first payment to be on *July* 5, 1791;—and the a
sessors are required to ascertain the amount thereof, and certif
the same to the Commissioners at their respective meetings, &c

The additional rates or duties shall be managed, collected
paid, recovered, and accounted for, under such penalties, &c
Penalties as before. as the former rates and duties, upon the amount of which any o
the said additional rates or duties may be chargeable by virtu
of this act, except as far as any of the said rules, methods, an
directions are expressly varied by this act; and all things, con
tained in any act or acts of Parliament relative to the said for
mer rates and duties, or any of them, now in force, and no
hereby otherwise provided, for the computing, surcharging
recovering, paying and accounting for the said rates and duties
by any former acts granted, as far as the same are applicable t
the additional rates or duties by this act imposed, and not re
pugnant to the particular directions of this act, shall be in ful
force, throughout the kingdom of Great Britain, as fully an
effectually, as if the same or the like powers, and authorities,
were particularly repeated and re-enacted in this present act.

Where paid, and how applied. These duties are to be paid into the Exchequer, on or be
fore *April* 5, 1792, to be carried to the Consolidated Fund,
and the duties afterwards to be applied in payment o
1,833,000*l.* to be raised by Exchequer bills. And on payment o
the said 1,833,000*l.* and interest, the additional duties to ceas
Such persons as shall be nominated to be collectors of the said
former rates and duties shall, if required so to do, give good and
Security to be given by collectors. sufficient security to any three or more of the Commissioners for
carrying this act into execution, equal to the amount of the
whole rate to be collected in each district, for their duly paying
to the Receiver-General such monies as shall come to their
hands; and on failure of the persons so named to be collectors
giving such security, if required, the said Commissioners, or
any three or more of them, shall be at liberty to appoint any
other two or more sufficient persons, who can give such secu-
rity, residing within the limits and bounds of the parishes,
townships,

nſhips, &c. to be collectors of the ſaid former rates and ies.

f no perſons can be found within the ſeveral pariſhes, &c. o are willing or able to give ſuch ſecurity, the perſons who e firſt named by the Commiſſioners ſhall be collectors of ſaid former rates and duties.

Affray.

AN affray *is a public offence to the terror of the king's ſubjects; ſo called, becauſe it affrighteth and maketh men afraid.* Affray deſcribed.

rom whence it ſeems clearly to follow, that there may be *aſſault*, which will not amount to an *affray*. Different from aſſault.

ny one who ſees others fighting, may lawfully part them, alſo ſtay them till the heat be over, and then deliver them he conſtables to be carried before a juſtice, to find ſureties the peace. 1 *Haw.* 236. Affrayers how dealt with.

conſtable is bound at his peril to uſe his beſt endeavours part an affray; and to demand the aſſiſtance of others, ch if they refuſe to give him, they are puniſhable with and impriſonment.—And he may either carry the offen- before a juſtice, to find ſureties for the peace, or he may priſon him of his own authority for a reaſonable time, till heat be over, and alſo afterwards detain him till he find h ſurety by obligation.—But a conſtable hath no power to eſt a man for an affray done out of his own view, without arrant from a juſtice, unleſs a felony was done, or likely be done; for it is the proper buſineſs of a conſtable to pre- ve the peace, and not to puniſh the breach of it. 1 *Haw.* 137. Conſtable bound to part them, and carry them before a Juſtice. Conſtable's authority limited.

A juſtice of the peace cannot without a warrant authorize arreſt of any perſon for an affray out of his own view; yet may make out his warrant to bring the offender before him, rder to compel him to find ſureties for the peace. 1 *Haw.* 137.

All affrays in general are puniſhable by fine and impriſment. Affrays how puniſhable. 1 *Haw.* 138.

Ale, Beer, and other Exciſeable Liquors.

BY this act, an additional duty of 10s. 6d. is to be paid for every licence for retailing beer, ale, &c. over and ove all other duties chargeable thereon. 24 *G.* 3. *ſeſſ.* 2. *c.* 33. Additional duty on retailers.

The new duty to be under the government, care, and management of the commiſſioners of the ſtamp duties. *Id.* In whom the management is inveſted.

Alehouſes.

When deemed an inn.

IF an alehouſe lodges and entertains travellers, it is alſo an inn.

Subject to Juſtices' enquiry.

Two juſtices (1 Q.) may enquire of innholders, and of all and ſingular other perſons, who ſhall offend in the abuſe of weight and meaſures, or in the ſale of victuals.

5 G. 3. c. 46. Penalty for ſelling ale without licence. 9 G. 3. c. 6.

Every perſon lawfully convicted of ſelling ale or beer, or other exciſeable liquors, by retail, without licence (except in * fairs, and except retailers of ſpirituous liquors without licence, for whom other penalties are provided by law) ſhall forfeit for the firſt offence 40s. and alſo the coſts and expences of conviction; if not paid within 14 days after conviction, the offender to be impriſoned for one month, unleſs he ſhall ſooner pay the penalty and the coſts; for the ſecond offence 4l. and alſo the coſts and expences of conviction; if not paid within one week, to be impriſoned two months, unleſs he ſhall ſooner pay the penalty, and the coſts; for the third offence 6l. and alſo the coſts and expences of conviction; if not paid within three days, to be impriſoned for three months, unleſs he ſhall ſooner pay the penalty and the coſts; and the like penalty for every other offence after the third, as for the third offence. All which coſts and expences ſhall be aſcertained by the juſtice before whom the offender ſhall be convicted. One moiety of all which penalties and forfeitures ſhall be to the king; and the other moiety, and all ſuch coſts, charges, and expences, to the proſecutor.—The ſame to be heard and determined by one juſtice: who ſhall † ſummon the party accuſed, and the witneſſes; and ſhall proceed to hear the matter, and examine witneſſes on oath, and give judgment; and if he convict the party accuſed, and ſuch party ſhall refuſe to pay the penalty, with the coſts, he ſhall iſſue his warrant for apprehending and committing to priſon every ſuch offender, for ſuch time, and in ſuch manner, as the nature of the offence ſhall require.

Penalties how diſpoſed of.

One Juſtice to determine.

26 G. 2. c. 31. Juſtices may examine exciſe officers.

Where a juſtice ſhall ſuſpect that any perſon ſells without licence, he may call ſuch perſon before him, and alſo any exciſe-officer to produce his ſtock-book; and may examine ſuch officer on oath in what manner he charges ſuch perſon, and how ſuch perſon pays the duties; and if it ſhall appear, that ſuch perſon is ſurveyed as a victualler or retailer, and is charged with the ſame duties that victuallers and retailers are charged with, he ſhall be deemed an alehouſe-keeper, victualler, re-

Perſons charged with exciſe-duties deemed alehouſe-keepers.

* As to towns, and places where fairs are kept, *for the time only of ſuch fairs.* See 5 and 6 *Ed.* 6. *c.* 25, § 6. and 3 *Car.* c. 4, § 6.

† See Appendix, No. 78.

tailer,

ailer, or ſeller thereof, as if the ſame had been proved by two witneſſes.

Any witneſs neglecting or refuſing to appear upon ſummons at the time and place appointed, without a reaſonable excuſe to be allowed by ſuch juſtice, or appearing and refuſing to be examined on oath and give evidence, ſhall forfeit 20s. *5 G. 3. c. 46.* Witneſs not appearing.

And if any perſon ſhall think himſelf aggrieved by the conviction of ſuch juſtice, he may appeal to the next quarter ſeſſions; unleſs they are held within ſix days; in which caſe he may appeal to the following ſeſſions, after giving ſecurity to the ſatisfaction of the juſtice, for the payment of the penalty, coſts, and expences of ſuch conviction. *Id.* Perſons aggrieved.

If any perſon ſhall ſell or deliver any beer or ale, to any perſon that ſhall then ſell beer or ale as a common tipler or alehouſekeeper, (except it be for the uſe of his houſhold only) the ſame perſon not having licence to ſell ale or beer; he ſhall forfeit for every barrel 6s. 8d. and ſo proportionably for other quantities; half to the poor, and half to him that ſhall ſue in ſeſſions, by action of debt, information, indictment, or preſentment. *4 J. c. 4.* Penalty for delivering beer to an unlicenſed publican.

No licence ſhall be granted to any perſon to keep a common inn or alehouſe, but at a general meeting of the juſtices acting in the diviſion where the ſaid perſon dwells, to be holden for that purpoſe, on the firſt day of September yearly, or within twenty days after, and not at any other time.—This ſhall not alter the power or the time of granting licences, in cities and towns corporate. *2 G. 2. c. 28. 26 G. 2. c. 31.* Licence when granted. Exceptions as to cities, &c.

The day and place for granting licences ſhall be appointed by two or more juſtices for the diviſion, by warrant under their hands and ſeals, at leaſt ten days before ſuch meeting, directed to the high conſtables, requiring them to order their petty conſtables, or other peace officers, to give notice to the ſeveral innkeepers and alehouſekeepers within their reſpective conſtablewicks, of the day and place of ſuch meeting. And all licences granted at any other time and place ſhall be void.—And no licence ſhall be granted to any perſon not licenſed the year preceding (except in cities or towns corporate) unleſs he produce a certificate under the hands of the *miniſter* and the *major part* of the churchwardens and overſeers, or elſe of three or four reputable and ſubſtantial houſholders of the place, ſetting forth that ſuch perſon is of good fame and of ſober life and converſation; and it ſhall be mentioned in ſuch licence that ſuch certificate was produced, otherwiſe the licence ſhall be void. *6 G. 2. c. 31.* Ten days notice of the licenſing day. Certificate how ſigned.

A *mandamus* will not lie to compel the juſtices to licenſe any perſon. *Strange 881.* Juſtices not compellable.

* N. B. The intruſion, therefore, of magiſtrates acting in another diviſion, to grant licences to perſons judged by their own magiſtrates improper to be licenſed, appears to be not only extremely indecent, but alſo abſolutely illegal; and every licence ſo obtained, is null and void.

No

26 *G.* 2. *c.* 13. What Juſtices diſqualified to grant Licences.

No juſtice of the peace, being a common brewer of ale or beer, innkeeper, or diſtiller, or a ſeller of or dealer in ale or ſpirituous liquors, or intereſted in any of the ſaid trades, or being a victualler or maltſter, ſhall be capable, or have any power to grant licences for ſelling ale or beer or any other liquors, but the ſame ſhall be void.

Publicans' ſureties. 5 & 6 *Ed.* 6. *c.* 25. 2 *G.* 2. *c.* 28.

The perſon licenſed ſhall enter into a recognizance in 10l. with two ſureties in 5l. each, or one ſurety in 10l. as well againſt the uſing of unlawful games, as alſo for the uſing and maintenance of good order and rule, to be had and uſed within the ſame. If the perſon to be licenſed does not appear, being neceſſarily hindered, two ſureties muſt be bound for him or her in 10l. each.

Dalt. c. 76. Cautions to Juſtices.

Theſe three things are eſpecially recommended to the juſtices' care: 1. That no alehouſekeeper, upon the Lord's day, ſhould receive, or ſuffer to remain, any perſons whatſoever, as their gueſts, in any of their houſes or other places, to tipple, eat or drink; other than travellers, and ſuch as come upon neceſſary buſineſs. 2. That they ſuffer no perſon whatſoever, reſorting to their houſes only to eat and drink, to remain there after the hour of nine in the evening in winter, and ten in ſummer. 3. That they ſuffer no perſon, reſorting to their houſes only to eat and drink, to remain tippling there above one hour, other than travellers.

26 *G.* 2. *c.* 31. Recognizance whither ſent.

The recognizance, with the condition thereof, fairly written or printed, ſhall forthwith, or, at the next ſeſſions at fartheſt, be ſent or returned to the clerk of the peace, under the hands of the juſtices, to be by him entered or filed among the records.

Penalty for licenſing without recognizance.

And for every licence granted, without taking ſuch recognizance, and for every ſuch recognizance taken, and not ſent or returned, every juſtice ſigning ſuch licence, ſhall forfeit 3l. 6s. 8d. to him who ſhall ſue, together with coſts.—The clerk of the peace ſhall keep a regiſter or calendar of all ſuch recognizances, and ſhall deliver to the juſtices, at the meeting for granting licences, a true copy of ſuch regiſter or calendar.—And for every recognizance ſhall be paid by the clerks of the juſtices taking ſuch recognizances, to the clerk of the peace, for filing or recording the ſame, &c. 1s. which ſhall be paid to the clerks of the ſaid juſtices, by the perſons licenſed, over and above the fees payable to the ſaid juſtices' clerks.

5 & 6 *Ed.* 6. *c.* 25. Power of enquiry concerning publicans.

The juſtices ſhall have power, in their quarter-ſeſſions, to enquire of all ſuch perſons as ſhall be admitted and allowed to keep any alehouſe or tiplinghouſe, and that be ſo bound by recognizance, if they have done any act whereby they have forfeited the ſame recognizance, and they ſhall, upon ſuch preſentment or information, award proceſs againſt every ſuch perſon ſo preſented or complained of before them, to ſhew why he ſhould not forfeit his recognizance; and ſhall have power to hear and determine the ſame, by all ſuch ways and means, as by their diſcretion ſhall be thought good.

Any

Any juſtice, on complaint or information that ſuch licenſed perſon hath committed any act, whereby in the judgment of ſuch juſtice the recognizance may be forfeited, may, by ſummons under hand and ſeal, require ſuch perſon to appear at the general or quarter ſeſſions, then and there to anſwer to the matter of ſuch complaint and information; and alſo may bind the complainant, or any other perſon, in recognizance, to appear and give evidence; and the ſeſſions may direct the jury, which ſhall there attend for the trial of traverſes, or ſome other jury of twelve honeſt and ſubſtantial men, to be then and there impannelled by the ſheriff without fee, to enquire thereof; and if the jury find that ſuch perſon hath done any act, whereby the recognizance is broken, ſuch act being ſpecified in ſuch complaint or information, the court may adjudge him guilty; which verdict and adjudication ſhall be final: and thereupon the court ſhall order the recognizance to be eſtreated into the exchequer, to be levied to his majeſty's uſe; and the ſaid perſon ſhall be diſabled to ſell any ale, &c. for three years. Provided, that the juſtices, at the requeſt of the proſecutor, or of the party complained of, or either of his ſureties, may adjourn the trial to the then next ſeſſions.—And if any perſon ſhall be diſabled, by conviction, to ſell ale, beer, or cyder, or perry, he ſhall, by the ſame conviction, be diſabled to ſell any ſpirituous liquors, any licence before obtained for that purpoſe notwithſtanding; which ſaid conviction ſhall be certified to the next ſeſſions, to be filed among the records.

26 *G.* 2. *c.* 31. Juſtice may ſummon them,

may bind them over to the ſeſſions.

Judgment final.

Recognizance eſtreated.

Publican diſabled for 3 years,

and alſo from ſelling ſpirits.

From and after *July* 31, 1792, if any perſon duly licenſed to keep an alehouſe, inn, victualling-houſe, or to ſell ale, beer, or other exciſeable liquors, by retail, ſhall happen to die before the expiration of ſuch licence, or if any perſon ſo licenſed, or the executors, adminiſtrators, or aſſigns of any perſon dying ſo licenſed, ſhall remove from or yield up the poſſeſſion of ſuch houſe in which ſuch ale, beer, or other liquors ſhall by virtue of ſuch licence be ſold, and ſhall aſſign ſuch licence; or in caſe any ſuch houſe ſhall become empty or unoccupied, the late occupier whereof was duly licenſed at the laſt general licenſing day in *September*, previous to the time ſuch houſe became empty or unoccupied, in every ſuch caſe (except as herein is otherwiſe provided) two or more of his Majeſty's juſtices of the Peace for the county, riding, diviſion, or place, or a Petty Seſſions to be holden within and for the ſame diviſion in which ſuch houſe ſhall be ſituate, may grant a licence duly ſtamped, to the executors, adminiſtrators, or aſſigns of the perſon ſo dying, who ſhall be poſſeſſed of ſuch houſe, or to any new tenant or occupier, upon ſuch removal, or upon the houſe becoming empty or unoccupied as aforeſaid, to open or continue open ſuch houſe as an alehouſe or victualling-houſe, and to ſell ale, beer, and other liquors aforeſaid there till the next general licenſing day: Or, the ſaid Juſtices, in their diſcretion may allow ſuch executors or adminiſtrators, or other perſons aforeſaid,

38 *G.* 3. *c.* 59.

On the death or removal of a licenſed perſon.

Licence to executors, &c.

ſaid, poſſeſſed of any ſuch licence, to continue open ſuch houſe for the purpoſe aforeſaid, under and by virtue of ſuch licence, until the expiration thereof; every ſuch executor, adminiſtrator, or aſſign, and every ſuch tenant or occupier, obtaining, within thirty days after ſuch death or removal, or after his or her entering upon the poſſeſſion of ſuch houſe, and producing to the ſaid Juſtices, ſuch certificate, and entering perſonally into ſuch recognizance, with ſuch ſureties as are directed by the 26 *G.* 2. *c.* 31; in reſpect to perſons to whom licences are to be granted by virtue of the ſaid act; which ſaid certificate and recognizance, with the condition thereof fairly written or printed, and atteſted by the Juſtices granting or allowing ſuch licence, ſhall forthwith, or at the next General or Quarter Seſſions of the Peace at fartheſt after granting ſuch licences, be ſent or returned to the Clerks of the Peace, to be by them, or other perſons acting as ſuch, duly entered or filed amongſt the records of the Seſſions of the Peace.

Certificate within 30 days.

Recognizances with ſureties

to be returned.

In *Middleſex* and *Surrey*, the Juſtices at the General Licenſing Meetings, are required to appoint not leſs than *ſix* nor more than *eight* ſpecial days of meeting at different equal periods, as near as may be, in each year next enſuing ſuch general licenſing-meetings; on which days it ſhall and may be lawful for two or more Juſtices acting in and for the ſaid diviſions, to meet and to grant or continue licences in the caſes and in the manner and for the time herein before-mentioned; and the Juſtices aſſembled at the ſaid general licenſing-meetings are hereby directed and required to cauſe due notice to be given of the times and places at which ſuch ſpecial meetings ſhall reſpectively be holden,

Petty ſeſſions for aſſigning licences.

If any perſon ſo licenſed as aforeſaid, within the ſaid counties of *Middleſex* and *Surrey*, or the executors, adminiſtrators, or aſſigns of any perſons dying ſo licenſed, ſhall remove from ſuch houſe, or yield up the poſſeſſion thereof in manner aforeſaid, or if any ſuch houſe, within the reſpective counties aforeſaid, ſhall be or become empty or unoccupied, in manner aforeſaid, then and in every ſuch caſe, before ſuch licence ſhall be continued, or a new licence granted to open or continue open any ſuch houſe as an alehouſe, inn, or victualling-houſe, the perſon or perſons ſo ſucceeding as the occupier or occupiers thereof ſhall appear at the next ſpecial meeting to be holden for the diviſion wherein ſuch houſe ſhall be ſituated; and the Juſtices aſſembled at ſuch ſpecial meeting ſhall and may (upon ſuch certificate being produced to them, and ſuch recognizance being entered into as is herein before-mentioned) grant a licence to ſuch new tenant or occupier, or in their diſcretion allow a continuance of any licence before granted, in manner aforeſaid, to open or continue open ſuch houſe as an alehouſe, inn, or victualling-houſe, and to ſell ale, beer, and other exciſeable liquors there until the next general licenſing day; any thing in the act contained to the contrary thereof notwithſtanding.

Licenſed perſon in Middleſex and Surrey dying or removing.

Licence granted at ſpecial meeting;

But nothing in this act contained ſhall extend, to impower any Juſtices of the Peace at any Petty Seſſions to grant a new licence to any houſe, the occupier whereof was not duly licenſed at the general licenſing day next before ſuch Petty Seſſions. — But not to any houſe not licenſed at the general licenſing day.

Nothing herein contained ſhall extend, to alter the time of granting licences for keeping of common inns or alehouſes, or to oblige perſons not licenſed the year preceding, to produce certificates in the city of London. — Not in force in the city of London.

Every perſon entering into the poſſeſſion of any licenſed alehouſe, inn, &c. who ſhall ſell any ale, beer, or other exciſeable liquors, unleſs authorized and impowered ſo to do by the Juſtices at the Petty Seſſions next enſuing after the expiration of ſuch thirty days, in the manner herein before directed, ſhall from thence be liable to all the penalties, puniſhments, and forfeitures, to which perſons ſelling ale, beer, or other liquors, by retail, without a licence, are ſubject by the act 5 *G.* 3. *c.* 46. — Penalties on offender againſt this act.

The certificate herein before directed to be obtained by the perſon or perſons requiring to be licenſed, ſhall, after the obtaining thereof, be an indemnity to him, her, or them, for ſelling any beer, ale, or other exciſeable liquors, till after ſuch Petty Seſſions ſhall have been held. — Certificate Indemnity till petty ſeſſion.

In all caſes where the continuance of a licence ſhall be allowed, or a new licence ſhall be granted as aforeſaid, by the Juſtices at any Petty Seſſions, the Clerk of the Peace for the county, &c. where the houſe is ſituate, ſhall record the ſame, and ſhall be paid the ſum of one ſhilling, and no more. — Licence to be recorded.

The juſtices in Eaſter ſeſſions yearly (and mayors in corporations) ſhall rate the price of all barrels, kilderkins, firkins, and other veſſels to be ſold for ale or beer to be uttered therein: And if any cooper ſhall not ſell the ſame according to ſuch rate, he ſhall forfeit 3s. 4d.; half to the king, and half to him that ſhall ſue. — 8 *El. c.* 9 *l.* Juſtices to rate the price of veſſels.

Every barrel of beer, within the bills of mortality, ſhall be 36 gallons, and the barrel of ale 32 gallons; and in all other places, 34 gallons ſhall be reckoned for a barrel of beer or ale. — 12 *C.* 2. 1 *W.* *c.* 23, 24. Contents of veſſels.

All innkeepers, alehouſe-keepers, and other retailers of ale or beer, ſhall retail and ſell the ſame in and from their houſes, by a full ale-quart or ale-pint, according to the ſtandard of the exchequer, in a veſſel made and ſized to the ſtandard and ſigned, ſtamped, or marked, either from the exchequer, or from ſome city, town-corporate, borough, or market-town, where a ſtandard ale-quart or pint, made from the ſaid ſtandard, ſhall be kept for that purpoſe; on pain of forfeiting not above 40s. nor under 10s. for every offence; half to the poor, and half to him that ſhall proſecute or ſue for the ſame; to be recovered before one juſtice, by the oath of one witneſs, and to be levied by warrant of diſtreſs. The proſecution to be within 30 days.—And every mayor, or chief officer, ſhall, on requeſt — 11 & 12 *W.* *c.* 15. Meaſures of ale and beer.

to him made, cauſe ale-quarts and ale-pints, made of good and wholeſome materials, which ſhall be brought to him, to be meaſured with the ſtandard in his cuſtody, and ſhall then cauſe the ſame to be ſigned, ſtamped, and marked with W. R. and a crown, for which they ſhall not receive above one farthing for each meaſure, on pain of 5l.

1 *Ja.* c. 9.
21 *Ja.* c. 7.
Penalty for ſuffering tippling.

If any innkeeper, victualler, or alehouſe-keeper, or tavern keeper keeping an inn or victualling-houſe, ſhall ſuffer any inhabitant (or other perſon, 1 *Car.* 1. c. 4.) to continue drinking or tippling therein (except ſuch as ſhall be invited by any traveller during his neceſſary abode there; and except labouring and handicraftſmen in cities, &c, upon the uſual working days, for one hour at dinner-time, to take their diet in an alehouſe; and except labourers and workmen, which, for the time of their ſaid continuing in work there, ſojourn, lodge, or victual in any inn, &c.) he ſhall, on conviction thereof before the mayor or a juſtice of the peace, on view or confeſſion, or oath of one witneſs, forfeit 10s. to the poor. The ſame to be levied by the conſtable or churchwardens by way of diſtreſs; and for default of ſatisfaction in ſix days, the diſtreſs to be appraiſed and ſold; rendering the overplus; and for want of ſufficient diſtreſs, the party offending to be committed to the common goal, there to remain until the penalty be truly paid. And if the conſtable or churchwardens do neglect their duty in levying, or do not levy the penalties; or in default of diſtreſs, do neglect to certify the default, by the ſpace of 20 days, to ſuch mayor or juſtice; every perſon ſo offending, ſhall forfeit 40s. to the poor, to be levied by way of diſtreſs by warrant from ſuch mayor or juſtice; the diſtreſs to be detained ſix days; in which time, if payment be not made, the goods may be appraiſed and ſold, returning the overplus; for want of which diſtreſs, the conſtable or churchwarden ſo offending, ſhall be by ſuch mayor or juſtice committed to the common gaol, there to remain until the penalty be truly paid.

4 *Ja.* c. 5.

The ſaid offence may be enquired of and preſented before juſtices of aſſize, juſtices of the peace in their ſeſſions, mayors in corporations, and in the leet.

21 *Ja.* c. 7.
Diſabled for 3 years.

If any alehouſe-keeper ſhall ſuffer any inhabitant to continue drinking or tippling therein as aforeſaid, he ſhall be diſabled for the ſpace of three years to keep any ſuch alehouſe.

4 *Ja.* c. 5.
Tipplers how puniſhed.

If any perſon (unleſs thoſe before excepted) ſhall continue drinking or tippling, in any inn, or alehouſe, he ſhall, on conviction thereof, before the mayor or a juſtice of the peace, on view, confeſſion, or oath of one witneſs, forfeit for every offence 3s. 4d. within one week, to the churchwardens, for the uſe of the poor: And if he ſhall refuſe, it ſhall be levied by diſtreſs: And if he be not able to pay, the juſtice may puniſh the offender, by ſetting him in the ſtocks for every offence by the ſpace of four hours.

The

The offender to be preſented, indicted, or convicted in ſix months. 4 *Ja.* c. 5. Within ſix months.

And all conſtables, churchwardens, ale-conners, and ſideſmen, ſhall, in their ſeveral oaths incident to their offices, be charged to preſent the ſaid offence. And if any alehouſe-keeper ſhall be convicted of the ſaid offence, he ſhall moreover for the ſpace of three years, be diſabled to keep any ſuch alehouſe. 21 *Ja.* c. 7. Officers to preſent. 7 *Ja.* c. 10. 21 *Ja.* c. 7.

Note,—The univerſities, and freemen of the Vintners' company by patrimony or apprenticeſhip only, are generally excepted out of theſe acts concerning alehouſes; and alſo the perſons who ſhall keep the three wine-taverns in the borough of St. Alban's.

Annuities.

BY ſeveral acts, an oath of an annuitant's life is to be made before a juſtice of the peace, who ſhall give a certificate thereof, in order to entitle ſuch perſon to receive his annuity. Oath before juſtice.

Apples *and* Pears.

THE meaſure ſhall be round, and in diameter eighteen inches and a half within the hoop, and eight inches deep; and ſo in proportion: and whoſoever ſhall ſell or buy any apples or pears by any other meaſure, ſhall forfeit 10s. half to the informer, and half to the poor, on conviction on the oath of one witneſs, before one juſtice, or mayor, to be levied by the petty conſtable by warrant of the ſaid juſtice, by diſtreſs and ſale. But this ſhall not extend to any meaſure ſealed and allowed by the fruiterers' company in London. 1 *Ann. ſt.* 7. c. 15. Meaſure deſcribed.

Apprentices.

IF any perſon, under the age of 21, ſhall be required by any houſholder, uſing half a ploughland at leaſt in tillage, to be an apprentice, and to ſerve in huſbandry, or other art, and ſhall refuſe ſo to do, then (on complaint of ſuch houſekeeper to one juſtice or head officer) he ſhall ſend for the perſon refuſing; and if he ſhall think the ſaid perſon meet to ſerve, and ſuch perſon refuſe to be bound, he may commit him to ward, there to remain, until he be contented, and will be bound. 5 *El.* c. 4. Who required to be bound.

The churchwardens and overſeers, or the greater part of them, by the aſſent of two juſtices (1 Q.) may bind any ſuch children, 18 *G.* 3. c. 47. 43 *El.* c. 2. Churchwardens, &c. may bind.

children, whoſe parents they ſhall judge not able to maintain them, to be apprentices where they ſhall ſee convenient, till ſuch man child ſhall come to the age of 21, and ſuch woman child to the age of 21, or marriage; the ſame to be as effectual to all purpoſes, as if ſuch child were of full age, and by indenture of covenant bound him or herſelf.

Duty and ſtamps for indentures.

By 8 *An.* c. 9. a duty of 6d. in the pound, where the apprentice's fee is from 1l. to 50l.—where it is 50l. and upwards, 1s. for every pound is to be paid, by the maſter or miſtreſs of every apprentice, clerk, or ſervant, bound by indentures. The indentures within the bills of mortality are to be brought to the ſtamp-office within one month; if executed in the country, to the agents of the ſtamp-office within two months, and the duty paid, under a penalty of 50l. and making void the indentures, 9 *An.* c. 21. The ſtamp on the indenture is 12s.—Each indenture muſt be on a 6s. ſtamp; except pariſh apprentices, for whom a 6d. ſtamp on each indenture is ſufficient, and no duty on the ſum given. The *full* ſum contracted for, and given with, or in relation to, every apprentice or clerk, ſhall be inſerted and ſpecified in the indenture, &c. on pain of the maſter or miſtreſs's forfeiting double the ſum ſo given, paid, or contracted for.

8 & 9 *W.* c. 30.

Duty of thoſe to whom apprentices are appointed.

Penalty for not receiving.

And where any poor child ſhall be appointed to be bound apprentice by the 43 *El.* the perſon to whom he is appointed to be bound, ſhall receive and provide for him, and alſo execute the other part of the indentures; and if he ſhall refuſe ſo to do, oath being thereof made by one of the churchwardens or overſeers, before two juſtices, he ſhall forfeit 10l. by diſtreſs and ſale, by warrant of ſuch juſtices, to the uſe of the poor of the pariſh or place where the offence was committed; ſaving always to the perſon to whom any poor child ſhall be appointed to be bound apprentice, if he ſhall think himſelf aggrieved thereby, his appeal to the next ſeſſions, whoſe order therein ſhall be final.

Power of appeal.

20 *G.* 3, c. 36.

Directors and guardians of the poor, in particular incorporated hundreds or diſtricts, have the ſame powers to bind poor children; and every inhabitant, being an * occupier of lands in the pariſh, is bound under the ſame penalties to receive and provide for them.

N. B. If the maſter is diſſatisfied, he may appeal to the ſeſſions.

Choice ſhall always be made of the pooreſt children; and no ſuch apprentice ſhall be above 15 years of age when bound.

2 & 3 *Ann.* c. 6.

It ſhall be lawful for two juſtices, and for the head-officers in corporations, and for the churchwardens and overſeers of the ſeveral pariſhes or townſhips, with the conſent of ſuch juſtices or head-officers, to bind and put out any boy of the age of

* Every one, who by his profeſſion, or manner of living, has occaſion to keep ſervants, and is approved of by the juſtices. *Dalt.* c. 58.

ten

years or upwards, or who ſhall be chargeable, or whoſe rents ſhall be chargeable, or who ſhall beg for alms, to be an apprentice to the ſea-ſervice, to any ſubject being maſter or owner of any ſhip or veſſel, until he ſhall attain the age of 21 years. Boys of ten years old to ſea-ſervice;

And every perſon to whom any poor boy ſhall be put apprentice by the 43 *El.* may, with the conſent of two juſtices dwelling near the pariſh where ſuch poor boy was bound, or with the like conſent of the chief officer in a corporation, at the requeſt of the maſter, his executors, adminiſtrators, or aſſigns, by indenture aſſign over ſuch poor boy apprentice, to any maſter or owner of a ſhip or veſſel, uſing the ſea-ſervice, during the remaining time of his apprenticeſhip.—The boy's name ſhall be inſerted in the indenture, being truly taken from a copy of the entry in the regiſter-book (where it can be had) which copy ſhall be given and atteſted by the miniſter without fee:—And where no ſuch entry can be found, two ſuch juſtices, and ſuch head officers, ſhall, as fully as they can, inform themſelves of ſuch boy's age, and from ſuch information ſhall inſert the ſame in the indentures.—The collector in the port ſhall keep a regiſter of all ſuch apprentices in ſuch ſhips, and from what pariſhes and places they were ſent; and ſhall tranſmit (gratis) true copies thereof ſigned by him, to the quarter-ſeſſions, or to ſuch towns corporate, pariſhes, or places, when and ſo often as he ſhall be reaſonably required ſo to do; and every collector refuſing or neglecting to ſend ſuch copy, ſhall forfeit 5l. to the poor of the pariſh from whence ſuch boy was bound.—Two juſtices near the port, and mayors of towns corporate, in or near adjoining to ſuch port at which ſuch ſhip or veſſel ſhall at any time arrive, may determine all complaints of ill uſage from the maſter to ſuch apprentice, and alſo of all ſuch as ſhall voluntarily put themſelves apprentices to the ſea ſervice.—All the penalties aforeſaid ſhall, by warrant of two juſtices of the county, city, or town corporate, be levied by diſtreſs and ſale, may be aſſigned. Regiſter of apprentices in ſhips. Complaints heard and determined by two juſtices near the port.

Note,—Maſters, apprentices, mariners, and others employed in fiſhing-veſſels upon the coaſts, are exempted, during ſuch their employment, from being impreſſed. 2 *G.* 3. *c.* 15.

If any maſter ſhall miſuſe or evil intreat his apprentice, or the ſaid apprentice ſhall have any juſt cauſe to complain, or if the apprentice do not his duty to his maſter, then the ſaid maſter or apprentice being grieved, and having cauſe to complain, ſhall repair unto one juſtice; and if the ſaid juſtice cannot compound and agree the matter, he ſhall take bond of the ſaid maſter to appear at the next ſeſſions; and on his appearance, and hearing of the matter there, if it be thought meet to diſcharge the ſaid apprentice, then the juſtices, or * four of them at the leaſt (1 Q.) ſhall have power in writing under their 5 *El. c.* 4. Maſter or apprentice may go to one juſtice. Maſter bound to appear at ſeſſionns.

* Four at leaſt, where the apprentice's fee exceeds 5l.

hands

hands and ſeals, to pronounce and declare, that they have diſcharged the ſaid apprentice of his apprenticehood, and the cauſe thereof:—And the ſaid writing, being inrolled among the records, ſhall be a ſufficient diſcharge for the apprentice againſt his maſter, his executors and adminiſtrators. And if the default ſhall be found to be in the apprentice, then the ſaid juſtices, &c. with the aſſiſtance aforeſaid, ſhall cauſe ſuch due correction and puniſhment to be adminiſtered unto him, as by their wiſdom and diſcretion ſhall be thought meet.

20 *G.* 2. *c.* 19.

Two juſtices may ſummon maſter or miſtreſs, and diſcharge in certain caſes.

On complaint unto two juſtices, by any pariſh or other apprentice, upon whoſe binding out no larger a ſum than 5*l.* was paid, concerning any ill-treatment, they may ſummon the maſter or miſtreſs; and on proof upon oath of the truth of the ſaid complaint, the ſaid juſtices may diſcharge the apprentice, for which warrant or certificate no fee ſhall be paid. And ſuch juſtices on complaint on oath by any maſter or miſtreſs, againſt any ſuch apprentice, concerning any miſdemeanor, miſcarriage, or ill behaviour, may hear and determine the ſame, and puniſh the offender, by commitment to the houſe of correction, there to remain and be corrected, and held to hard labour for a reaſonable time, not exceeding one calendar month, or otherwiſe by diſcharging ſuch apprentice.

Power of appeal.

Perſons aggrieved by any determination, order or warrant of ſuch juſtices, may appeal to the next ſeſſions, who may award coſts to either party not exceeding 40*s.* to be levied by diſtreſs and ſale.

5 *El.* *c.* 4.

Apprentice flying into another county.

If any apprentice ſhall flee into any other ſhire, the juſtices may iſſue writs of capias to the ſheriffs of the counties, to take his body, that he may be put in priſon, till he finds ſufficient ſurety well and honeſtly to ſerve his maſter.

24 *G.* 2. *c.* 55.

Warrant to be indorſed.

If a juſtice ſhall iſſue a warrant againſt ſuch perſon, and he ſhall eſcape into another ſhire, the conſtable or other perſon, on having the warrant indorſed by a juſtice in ſuch other ſhire, may arreſt him there, and carry him before a juſtice in ſuch other ſhire, if the offence is bailable, to find bail, or elſe ſhall carry him back before a juſtice in the ſhire from whence the warrant did firſt iſſue.

6 *G.* 3. *c.* 25.

Shall ſerve out his loſt time;

If any apprentice ſhall abſent himſelf from his maſter's ſervice, before the term of his apprenticeſhip ſhall be expired, he ſhall, at any time thereafter, whenever he ſhall be found (ſo it be within ſeven years after the expiration of his term) be compelled to ſerve his ſaid maſter, for ſo long time as he ſhall have abſented himſelf; unleſs he ſhall make ſatisfaction to his maſter for the loſs he ſhall have ſuſtained by ſuch abſence; and if he ſhall refuſe ſo to ſerve, or to make ſatisfaction, the maſter may complain upon oath to one juſtice where he ſhall reſide, who ſhall iſſue his warrant for apprehending ſuch apprentice. And ſuch juſtice, on hearing the complaint, may determine what ſatisfaction ſhall be made to ſuch maſter by the apprentice. And if the ſaid apprentice ſhall not give ſecurity to make ſatisfaction according to ſuch determination, ſuch juſtice may

ay commit him to the houſe of correction for any time not ceeding three months. or be committed.

Perſons aggrieved by ſuch determination, order, or warrant the juſtice (except any order of commitment) may appeal to e next ſeſſions.

Provided, that nothing herein ſhall extend to the ſtannaries Devon and Cornwall; or to impeach or leſſen the juriſdiction the chamberlain of London, or of any other court within e ſaid city, touching apprentices; nor to any apprentice, hoſe maſter ſhall have received with him the ſum of 10l. Power of appeal. Stannaries and city of London excepted.

Servants going away with their maſter's goods, with intent ſteal them, ſhall be guilty of felony; but not to extend to prentices. 21 *H.* 8. *c.* 7.

Perſons ſtealing to the value of 40s. being in a dwelling houſe outhouſe thereto belonging, tho' ſuch houſe be not broken, d tho' no perſon be therein, are excluded from the benefit of rgy. But this not to extend to apprentices under 15 years age; but if they be 15 years of age, they ſhall be guilty as her perſons. 12 *Ann. ſt.* 1. *c.* 7. Apprentices in ſome caſes not felons under 15 years of age.

By 43 *Eliz. c.* 2. the churchwardens and overſeers of the or of any pariſh, or the greater part of them, by the ſent of two juſtices of the peace, may bind any children, oſe parents they ſhall judge to be not able to keep and maintain ſuch children, to be apprentices, where they ſhall ſee convenient, till ſuch man child ſhall come to the age of *twenty-four* years, and ſuch woman child to the age of twenty-one ars, or the time of her marriage. By 8 and 9 *Will.* 3. 30. 47. where any poor children ſhall be appointed to be nd apprentices, purſuant to the ſaid act of Queen Elizabeth perſons to whom they are ſo appointed to be bound apprens, ſhall receive and provide for them according to the inture ſigned and confirmed by two juſtices of the peace, alſo execute the other part of the ſaid indentures, under a alty, in caſe of refuſal, of ten pounds, to be levied of the ds of the offender. When any man child ſhould be bound be an apprentice, by virtue of the ſaid act 43 *Eliz. c.* 2. h child ſhall be bound to be an apprentice for no longer n than till he ſhall come to the age of *twenty-one* years; whereas ſeveral other regulations are neceſſary to be e reſpecting pariſh apprentices, It is enacted, that from 1, 1792, covenants for maintenance of pariſh apprens, with whom no more than 5l. ſhall be given, ſhall cone in force no longer than three months after the death of maſter or miſtreſs. A proviſo * to that effect ſhall be exed to the covenant; but if omitted, the covenant ſhall tinue no longer in force than for three calendar months Recital of 43 *Eliz. c.* 2. and of 8, and 9. *W.* 3. *c.* 30, and 47. Further regulations neceſſary. Proviſo to be annexed.

N. B. A new form of indenture for pariſh-apprentices with the proper inments, &c. required by 32 *G.* 3 *c.* 57. is prepared, and to be had at der's' in New Bond Street, London.

next after the death of such master or mistress, in case such master or mistress shall die during the term of such apprenticeship; which proviso may be in the form or to the following effect:

Form of proviso.

PROVIDED always, That the said last-mentioned covenant on the part of the said *F. M.* [*the master*] his executors and administrators, to be done and performed, shall continue and be in force for no longer time than for three calendar months next after the death of the said *F. M.* in case the said *F. M.* shall happen to die during the continuance of such apprenticeship, according to the provisions of an act passed in the thirty-second year of the reign of King George the Third, intituled, *An act for the further regulation of parish apprentices.*

Application to justices.

Within three months after the death of a master or mistress application may be made to two justices of the peace of the county, city, town, &c. where such master or mistress shall have died, by the widow of such master, or by the husband of such mistress, or by any son or daughter, or other legal representative of such master or mistress, by indorsement or other instrument in writing in the form or to the effect following:

Consent of justices.

County of } WHEREAS *F. M.* [*the master*] within named, late of the parish of in the said county, died on the day of being within three calendar months now last past, we, two of his Majesty's justices of the peace for the county aforesaid, whose names are hereunto subscribed, on the application and at the request of *A. M.* widow [*or as the case may be*] of the said *F. M.* living with and being part of the family of the said *F. M.* at the time of his death, do hereby order and direct, that *A. P.* the apprentice within named, who was in the service and actual employment of the said *F. M.* at the time of his death shall serve the said *A. M.* as such apprentice, for the residue of the term of such apprenticeship within mentioned, according to the provisions of an act passed in the thirty-second year of the reign of King *George* the Third, intituled *An act for the further regulation of Parish Apprentices.* Witness our hands, this day of

Declaration of acceptance.

I, the above-named *A. M.* do hereby declare, that the above order is made at my request; and that I do accept the said *A. P.* as my apprentice, according to the terms and covenants contained in the said indenture, and accord

to the provisions of the said act. Witness my hand, the day and year above written. 32 G. 3. c. 57.

County of } WHEREAS it appears unto us, two of his majesty's justices of the peace for the said county, that *A. P.* [*the apprentice*] was bound an apprentice, by the churchwardens and overseers of the parish of to *F. M.* [*the master*] late of the said parish , and that the said *F. M.* died on the day of , being within three calendar months now last past: now we, the said two justices, on the application and at the request of *A. M.* as above, &c. [*then, to the end, as before, mutatis mutandis.*] Justices order of assignment.

This instrument may order and direct that such apprentice shall serve as an apprentice any one of such persons so making such application, such person having lived with, and having been part of the family of, such master or mistress at the time of his or her death, as the said justices shall think fit, during the residue of the term mentioned in such indenture; and the person obtaining such order shall declare his or her acceptance of such apprentice, by subscribing his or her name to such order; and from and after such order shall be made, the executors and administrators, and the personal assets, estate, and effects of the master or mistress so dying as aforesaid, shall be released and discharged of and from any promise or covenant whatsoever, contained in such indenture; and the person obtaining the same shall be, and be deemed and taken to be, the master or mistress of such apprentice, in like manner as if such apprentice had been originally bound to such master or mistress; and such master or mistress and apprentice shall be subject and liable to the several penalties, provisions and regulations, which shall then be in force for the better government and good order of masters and parish apprentices; and all justices of the peace shall have the like powers and authority, with respect thereto, as they shall then have by any act or acts of Parliament relating to parish apprentices. to one of the family of the deceased. Assignee to have all the powers of the original master or mistress.

All the regulations and provisions herein-before made, and directed to take place on the death of the original master or mistress, shall be deemed and taken to relate to the like event of the death of any subsequent master or mistress, &c. during the continuance of the term mentioned in any such indenture of apprenticeship. Death of assignee.

If no application be made within three calendar months after the death of such master or mistress, or the justices should not think fit that the apprenticeship should be continued, it shall be Where no application is made.

32 G. 3. c. 57.

at an end, in like manner as it would have been at the expiration of the term mentioned in the indenture.

What apprentices included in this act.

This act ſhall extend to ſuch pariſh apprentices only as ſhall be living with the maſter or miſtreſs at the time of the death of any maſter or miſtreſs reſpectively.

Maſter refuſing to provide

In caſe any ſuch original maſter or miſtreſs, or any maſter or miſtreſs appointed under this act, or the executors or adminiſtrators of ſuch maſters or miſtreſſes, having aſſets, ſhall, during ſuch three calendar months as aforeſaid, refuſe or neglect to maintain and provide for any ſuch apprentice, according to the terms of ſuch covenant; any two juſtices of the peace of the county, city, &c. to which ſuch apprentice ſhall belong, on complaint of ſuch apprentice, or of the churchwardens and overſeers of the poor of ſuch pariſh or place, by warrant under their hands and ſeals, may levy by diſtreſs and ſale of the perſonal eſtate and effects or aſſets of ſuch maſter or miſtreſs reſpectively, ſuch ſum or ſums of money as ſhall be neceſſary for the maintenance and clothing of ſuch apprentice, and as ſhall alſo be neceſſary to reimburſe to the churchwardens and overſeers of the poor of ſuch pariſh or place, any ſum or ſums of money that ſhall have been reaſonably expended by them for that purpoſe.

may be diſtrained on.

Aſſignment of apprentice how made.

Any maſter or miſtreſs of any ſuch pariſh apprentice, may, by indorſement on the indenture of apprenticeſhip, or by other inſtrument in writing, with the conſent of two juſtices of the peace of the county, city, town, &c. where ſuch maſter or miſtreſs ſhall dwell, teſtified by ſuch juſtices under their hands, aſſign ſuch apprentice to any perſon who is willing to take ſuch apprentice for the reſidue of the term mentioned in ſuch indenture: ſuch perſon, by writing under his or her hand, ſtating the ſaid indenture of apprenticeſhip, and the indorſement and conſent aforeſaid, declaring his or her acceptance of ſuch apprentice, and acknowledging himſelf, herſelf, his, or her executors and adminiſtrators, to be bound by the agreements and covenants mentioned in the ſaid indenture; which indorſement or inſtrument may be in the form or to the following effect:

Form of aſſignment.

County of } BE it remembered, that the within-named *F. M.* [*the maſter*] by and with the conſent and approbation of *I. P.* and *K. P.* two of his majeſty's juſtices of the peace for the ſaid county, whoſe names are ſubſcribed to the conſent hereunder written, doth hereby aſſign *A. P.* the apprentice within named, unto *N. M.* [*the new maſter*] to ſerve him during the reſidue of the term within mentioned; and that he the ſaid *N. M.* doth hereby agree to accept and take the ſaid *A. P.* as an apprentice for the reſidue of the ſaid term, and doth hereby acknowledge himſelf his executors and adminiſtrators, to be bound by the agreements and covenants within mentioned

on

on the part of the ſaid *F. M.* to be done and performed, according to the true intent and meaning thereof, and purſuant to the proviſions of an act paſſed in the thirty-ſecond year of the reign of King *George* the Third, intituled, *An act for the further regulation of Pariſh Apprentices.* In witneſs whereof we, the ſaid *F. M.* and *N. M.* have hereunto ſet our hands, this day of

32 *G.* 3. *c.* 57.

We, two of his majeſty's juſtices of the peace above-mentioned, do conſent thereto. Witneſs our hands, this day of

Juſtices conſent.

I. P.
K. P.

County of } WHEREAS it appears unto us, *I. P.* and *K. P.* two of his majeſty's juſtices of the peace for the ſaid county, whoſe names are ſubſcribed to the conſent hereunder written, that *A. P.* was bound an apprentice by the churchwardens and overſeers of the poor of the pariſh of , to *F. M.* of the ſame pariſh, by indenture bearing date on or about the day of until the ſaid *A. P.* ſhould attain his age of twenty-one years: Now be it remembered, that the ſaid *F. M.* by and with the conſent as above, &c. doth hereby aſſign [*and ſo to the end, as before, mutatis mutandis.*]

Juſtices declaration.

And ſuch apprentice ſhall be deemed and taken to be the apprentice of ſuch ſubſequent maſter or miſtreſs to whom ſuch aſſignment ſhall be made, to all intents and purpoſes whatſoever.

Two juſtices may diſcharge pariſh apprentices whoſe maſters or miſtreſſes cannot employ or maintain them, on the application of ſuch maſter or miſtreſs, requeſting that any ſuch apprentice may be diſcharged, for the reaſons aforeſaid.

Juſtices may diſcharge.

Nothing herein before contained ſhall extend to the indenture made on the binding of any apprentice, where a larger ſum than five pounds ſhall be given.

If fee not more than 5*l.*

No indorſement on any pariſh-indenture of apprenticeſhip, ſhall be liable to ſtamp duty, and no other inſtruments ſhall be charged higher than the duty on pariſh-indentures.

No indorſement ſtamped.

In every caſe where any pariſh-apprentice whatſoever ſhall be diſcharged from his apprenticeſhip by two juſtices, by virtue of the act 20 *G.* 2. *c.* 19. for cruel treatment or miſuſage, ſuch two juſtices ſhall and may order ſuch maſter or miſtreſs to deliver up to ſuch apprentice his or her clothes and wearing apparel, and alſo to pay to ſuch church-

On apprentices' diſcharge.

32 G. 3. c. 57.

Clothes and 10l.

or 5l. in lieu of clothes if refuſed,

how recovered.

Churchwardens, &c. to proſecute.

Proſecution how paid.

wardens or overſeers of the poor of the pariſh or place to which ſuch apprentice ſhall belong, ſome or one of them, a ſum not exceeding ten pounds, to be applied under the order of ſuch juſtices, for the again placing and binding out ſuch apprentice ſo diſcharged, or otherwiſe, for his or her benefit, as to ſuch juſtices ſhall ſeem meet; and alſo to pay a ſum not exceeding 5l. in caſe ſuch maſter or miſtreſs ſhall refuſe to deliver up ſuch clothes and wearing apparel; and in caſe ſuch maſter or miſtreſs ſhall refuſe to pay the ſum ſo ordered, ſuch two juſtices, by warrant under their hands and ſeals, may levy the ſame by diſtreſs and ſale, together with the reaſonable expences of ſuch diſtreſs; two juſtices, if they ſhall think fit, may compel ſuch churchwardens and overſeers of the poor, ſome or one of them, to enter into a recognizance for the effectual proſecution by indictment of ſuch maſter or miſtreſs for ſuch ill treatment of any ſuch apprentice ſo diſcharged, and alſo to order that the coſts and expences of ſuch proſecution ſhall be paid and reimburſed to ſuch perſon or perſons entering into ſuch recognizance, one moiety out of the poor rates of the pariſh or place to which ſuch apprentice ſhall belong, and the other moiety out of the common ſtock of the county in which ſuch pariſh or place ſhall lie; and in caſe the churchwardens and overſeers of the poor of ſuch pariſh or place for the time being ſhall refuſe to pay ſuch their moiety, ſuch two juſtices, by warrant under their hands and ſeals, may levy the ſame by diſtreſs and ſale of the goods and chattels of ſuch churchwardens and overſeers of the poor, or either of them, together with the reaſonable expences of ſuch diſtreſs.

From 5l. to 10l. in lieu of having another apprentice.

Where any pariſh-apprentice ſhall have been diſcharged from any maſter or miſtreſs, and ſuch maſter or miſtreſs ſhall have been convicted of cruelty or other ill treatment, in conſequence of a proſecution by indictment, or ſhall have been found guilty thereof in any action brought at the ſuit of the party injured, it ſhall not be lawful for the churchwardens, &c. to bind any other apprentice upon ſuch perſon; but whenever ſuch perſon ought or would be compellable to take a pariſh-apprentice, two juſtices of the peace of the county, &c. or place where ſuch perſon ſhall reſide, upon application made to them by the churchwardens and overſeers, ſhall order and direct that ſuch perſon ſhall pay into the hands of ſuch churchwardens and overſeers of the poor, or one of them, a ſum not exceeding 10l. nor leſs than 5l. for the purpoſe of binding out the child (intended to be bound) an apprentice, with the approbation of ſuch two juſtices; and in caſe of refuſal, ſuch two juſtices, by warrant under their hands and ſeals, may levy the ſame by diſtreſs and ſale of the goods of ſuch perſon, together with the reaſonable expences of ſuch diſtreſs.

Maſters aggrieved may appeal.

Maſters aggrieved may appeal to the next Quarter Seſſions, which ſhall finally determine the ſame, and in their diſcretion allow to all parties their reaſonable coſts; and no ſuch diſtreſs

ſhall

ll be taken until after the ſeſſion, in caſe the perſon who is ered to pay the ſame ſhall, within ſeven days after notice en of ſuch order, give notice to ſuch churchwardens and rſeers of the poor, ſome or one of them, of ſuch intended eal; and in caſe ſuch perſon ſhall fail to appear in ſupport his appeal, the ſum of 40s. ſhall be added to the expences the diſtreſs, and levied accordingly. 32 *G.* 3. *c.* 57.

Where any pariſh apprentice ſhall be diſcharged by two juſ- es, from his or her apprenticeſhip, on account of any miſ- meanor, on the part of ſuch apprentice, ſuch two juſtices, hey think proper, by warrant under their hands and ſeals, y puniſh ſuch offender by commitment to the houſe of cor- tion, there to be kept to hard labour, for a reaſonable time, exceeding three calendar months. Apprentice diſcharged for miſbehaving may be committed.

If any perſon ſhall be aggrieved by any matter or thing done any churchwarden or overſeer, or by any of his majeſty's tices of the peace, or by any other perſon or perſons by tue of this act, beſides ſuch matters or things for which an eal is herein-before ſpecially given, it ſhall and may be ful for ſuch perſon or perſons to appeal to the next general arter ſeſſions of the peace, where the ſame ſhall be heard finally determined; and ſuch court may award reaſonable ts and expences to either party before them. Power of appeal. Court may award coſts.

N. B. For ſettlement by apprenticeſhip, ſee that article der *Poor*.

Arraignment.

ARRAIGNMENT is nothing elſe but the calling the offender to the bar of the court, to anſwer the matter arged upon him. 2 *H. H.* 216. Arraignment what.

The priſoner on his arraignment, though under the indict- nt of the higheſt crime, muſt be brought to the bar without ns and all manner of ſhackles or bonds, unleſs there be a nger of eſcape, and then he may be brought with irons. 2 *H. H.* 219. Not to be in irons.

Arreſt.

POWER is given to the juſtices of the peace, to take and arreſt all thoſe whom they may find by indictment or by *icion*, and to put them in priſon. 34 *Ed.* 3. *c.* 1. Power of arreſt.

By the juſtices' oath of office, the warrant ought not to be rected to the party, but to ſome indifferent perſon, to exe- te it. *Burn, vol.* 1. To whom the warrant is directed.

Conſtables and others may, on having the warrant indorſed a juſtice in another county, nto wnich an offender ſhall have 24 *G.* 2. *c.* 55. Indorſement of warrant.

have eſcaped, arreſt an offender in ſuch other county, and ca him before the juſtice who indorſed the warrant, or ſome ot juſtice or juſtices of ſuch other county, if the offence is bail ble, to find bail; or elſe ſhall carry him back again befor juſtice in the county from whence the warrant did firſt iſſue.

Dalt. c. 171. Power of the county to be taken to purſue, &c.

Any juſtice, or the ſheriff, may take of the county any nu ber that he ſhall think meet, to purſue, arreſt, and impri traitors, murderers, robbers, and other felons; or ſuch as break, or go about to break, or diſturb the king's peace: a every man, being required, ought to aſſiſt and aid them, pain of fine and impriſonment.—Where a juſtice, ſheriff, other officer, is enabled to take the power of the county, ſeemeth they may command and ought to have the aid and tendance of all knights, gentlemen, yeomen, huſbandme labourers, tradeſmen, ſervants, and apprentices, and of others perſons being above the age of fifteen years, and able travel.—And in ſuch caſe it is referred to the diſcretion of t juſtice, ſheriff, or other officer, what number they will ha to attend on them, and how and after what manner they ſha be armed or otherwiſe furniſhed.

In what caſes doors may be broken open.
2 *Haw.* 86.
1 *H. H.* 582.
2 *H. H.* 117.
Dalt. c. 169.
2 *H. H.* 151.
2 *Haw.* 86.
1 *Haw.* 137.
2 *Haw.* 87.

1. Doors may be broken open upon a warrant from a juſti of the peace, to find ſureties for the peace or good behaviour —2. An officer upon any warrant from a juſtice, either for t peace or good behaviour, or in any caſe where the king is pa ty, may by force break open a man's houſe, to arreſt the o fender.—3. On a warrant to ſearch for ſtolen goods, the door may be broke open, if the goods are there; and if they a not there, the conſtable ſeems indemnified, but he that ma the ſuggeſtion, is puniſhable.—4. Where forcible entry or d tainer is found by inquiſition before juſtices of the peace, appears on their view,—5. On the warrant of a juſtice of t peace for the levying of a forfeiture, in execution of a judg ment, or conviction for it, grounded on any ſtatute, whi gives the whole or any part of ſuch forfeiture to the king.— 6. Where an affray is made in a houſe, in the view or hearin of a conſtable, he may break open the doors to take them.— 7. If there be diſorderly drinking or noiſe in a houſe, at a unſeaſonable time of night, eſpecially in inns, taverns, or ale houſes, the conſtable or his watch, demanding entrance, an being refuſed, may break open the doors, to ſee and ſuppre the diſorder.

Dalt. c. 176.

If the conſtable come unto the party, and require him to g before the juſtice, this is no arreſt nor impriſonment.

1 *H. H.* 589. Suſpected perſon to be delivered to the conſtable.

When a private perſon hath arreſted a felon, or one ſuſpecte of felony, he may deliver him to the conſtable, who may eithe carry him to gaol, or to a juſtice of the peace, or he may carr him immediately to a juſtice of the peace,

2 *H. H.* 95. Conſtables with affrayers, drunkards, &c.

If the conſtable, or his watch, hath arreſted affrayers, o perſons drinking in an alehouſe at an unſeaſonable time o night, he may put the perſons in the ſtocks, or in the priſon

here be one in the vill, 'till the heat of their passion or in-perance is over, or 'till he can bring them before a jus-.

f the arrest is by virtue of a warrant to bring the party be- the justice who granted the warrant *specially*, then the of- is bound to bring him before the same justice; but if the rant be to bring him before *any* justice of the county, then in the election of the *officer*, to bring him before what ce he thinks fit, and not in the election of the prisoner. nd when he hath brought him to the justice, yet he is in still in his custody, till the justice discharge, or bail, or mit him. — 1 *H.* 589. 2 *H.* 112. Special Warrants how executed. In whose election in other cases. 2 *H. H.* 120.

o action shall be brought against any constable or other of-, or person acting by his order, and in his aid, for any g done in obedience to the warrant of a justice of the peace, l demand hath been made of the perusal and copy of such rant, and the same hath been refused or neglected for six after such demand. — 24 *G.* 2. *c.* 44. Copy of warrant may be demanded.

Assault *and* Battery.

SSAULT is an attempt or offer, with force and vio- lence, to do a corporal hurt to another, by striking at with or without a weapon; or by any other such like act, in an angry, threatening manner. — 1 *Haw.* 133. Assault and battery different.

ne charged with an assault and battery, may be found ty of the assault, and yet acquitted of the battery; but y battery includes an assault. — 1 *Haw.* 134.

an officer, having a lawful warrant, lay hands on another rest him, or if a parent in a reasonable manner chastise a , a master his apprentice, a schoolmaster his scholar; in hese cases, and such like, it is justifiable. — 1 *Haw.* 130. In what cases justifiable.

here a man in his own defence beats another who first as- s him, he may take advantage thereof, both upon an in- ent, and upon an action. — 1 *Haw.* 134. Self defence.

Assizes.

LL justices of the peace, mayors, &c. of that county where the judges have their assizes, are bound to be pre- and if they make default, without lawful impediment, dges may set a fine upon them for their neglect. — *Crown Circ. Comp.* 4. Justices required to attend.

Attorney.

Attorney.

5 G. 2. c. 18. No attorney to be a juſtice.

NO attorney or ſolicitor ſhall be capable to continue or a juſtice of the peace, during ſuch time as he ſhall continue in the buſineſs and practice of an attorney or ſolicitor.

Auction.

19 G. 3. c. 56.

NO perſon exerciſing the trade or buſineſs of an auctioneer ſhall preſume to deal in, vend, or ſell, any eſtate goods, or effects whatſoever, by public ſale or otherwiſe, by way of auction, without taking out a licence.—If any perſon ſhall act without ſuch licence, he ſhall forfeit 100l. if within the bills; and elſewhere, 50l.

Licence neceſſary.

Where the title not good.

If the ſale ſhall be rendered void, by reaſon that the perſon for whoſe benefit the eſtate or goods were ſold, had no title or right to diſpoſe thereof, the auctioneer, who paid the duty may complain to the commiſſioners of exciſe, or juſtices of the peace within whoſe juriſdiction reſpectively the ſale was made, who may hear and determine all ſuch complaints, and relieve the party complaining of ſo much as ſhall appear to have been overpaid.

28 G. 3. c. 37. Limited time of complaint.

Complaints of ſales by auction being rendered void, ſhall be made in a year, if they be rendered void in that period, or elſe in three months after the diſcovery.

Allowance of duty when made.

Allowances of duty are to be made to purchaſers of their own effects by auctions, if prior notice of their having authoriſed a bidder be given to the auctioneer, and the delivery of ſuch notice be verified upon the oath of the auctioneer, as alſo the fairneſs of the tranſaction to the beſt of his knowledge.

Auctioneers.

32 G. 3. c. 11. Auctioneers giving notice of ſales.

EVERY auctioneer who ſhall have delivered, or cauſed to be delivered, any notice or catalogue for a ſale by auction within the limits of the chief office of exciſe in London, or perſon who acted as his clerk at ſuch ſale, or intended ſo ſhall, within twenty-eight days after the day ſpecified in ſuch notice as the particular day when ſuch auction was to be made, deliver, or cauſe to be delivered, at the chief office of exciſe in London, to the perſon or perſons who ſhall be appointed by the commiſſioners of exciſe to receive the ſame declara-

declaration, in writing, ſetting forth whether or not any ſale by way of auction had been or was opened or begun under ſuch notice, or any article, lot, parcel, or thing, contained in ſuch catalogue was bid for or ſold at ſuch auction; and ſuch auctioneer, or perſon acting as his clerk, ſhall make oath to the truth of ſuch declaration before the commiſſioners of exciſe, or one of them, or before ſuch perſon as the commiſſioners of exciſe ſhall appoint to adminiſter the ſame; which oath the ſaid commiſſioners of exciſe, or one of them, or other perſon ſo to be appointed as aforeſaid, is and are hereby authoriſed and impowered to adminiſter; and every auctioneer who ſhall have delivered, or cauſed to be delivered, any ſuch notice or catalogue for a ſale by auction, in any part of Great-Britain, not within the limits of the ſaid chief office, or the perſon who acted as his clerk at ſuch ſale, or intended ſale, ſhall, within ſix weeks after the day ſpecified in ſuch notice, as the particular day when ſuch ſale by auction was to be made, deliver, or cauſe to be delivered, to the collector of exciſe in whoſe collection ſuch ſale has been, or was intended to be, a like declaration in writing, to be verified in like manner, on pain that every auctioneer ſhall, for every neglect or refuſal of delivering ſuch declaration, forfeit the ſum of 50l. to be ſued for, recovered, levied, or mitigated, by virtue of any law of exciſe, or by action of debt, or information, in any of his Majeſty's courts of record at Weſtminſter, or in the court of Exchequer in Scotland reſpectively; and that one moiety of every ſuch fine, penalty, or forfeiture, ſhall be to his Majeſty, his heirs and ſucceſſors, and the other moiety to him or them who ſhall inform, diſcover, or ſue for the ſame.

Declarations on oath when ſales take place.

50l. penalty for every neglect.

Application of Penalties.

[Backing a Warrant. See Warrant.]

Bail.

BAIL ſignifies the delivery of a man out of cuſtody, upon the undertaking of one or more perſons for him, that he ſhall appear at a day limited, to anſwer and be juſtified by the law.—The difference between bail and mainpriſe is, that mainpernors are only ſurety, but bail is a cuſtody.

Hale's, Pl. 96.

Bail different from mainprise.

If a perſon be brought before a juſtice, if it appears that no felony is committed, he may diſcharge him; but if a felony be committed, tho' it appears not that the party accuſed is guilty, yet he cannot diſcharge him, but muſt commit or bail him.

Hale's, Pl. 98. In caſes of felony.

In caſe of homicide, the offender is not bailable.

Homicide.

If a perſon has dangerouſly wounded another, the juſtice ought to be very cautious how he takes bail, till the year and day be paſt.

2 *Inſt.* 186. Wounding.

No diſtinction ſeems here to be made reſpecting bail, between ſuch homicide as is malicious, and that which happens by miſadventure or in ſelf-defence.

Two juſtices may bail.

Any two juſtices (1 Q.) may of common right bail perſons indicted at the ſeſſions.

1 & 2 P. & M. c. 13.

In open ſeſſions.

If a perſon be arreſted for *manſlaughter*, or *felony*, or *ſuſpicion thereof*, being bailable by law, he ſhall not be let to bail or mainpriſe by any juſtices, but in open ſeſſions, except it be by two juſtices at the leaſt (1 Q.) and the ſame to be preſent together at the time of the ſaid bailment.

Examination in writing,

And the ſaid juſtices, or one of them, being of the quorum, ſhall take the examination of the ſaid priſoner, and information of them that bring him, and the ſame, or as much thereof as ſhall be material to prove the felony, ſhall be put in writing before they make the bailment:—Which examination, together with the bailment, the ſaid juſtices ſhall certify at the next general gaol delivery to be holden within the limits of their commiſſion.

to be certified at the next ſeſſion.

Evidence may be bound to appear.

And the ſaid juſtices ſhall have power to bind all ſuch by recognizance as do declare any thing material to prove the offence, to appear at the next general gaol delivery to give evidence againſt the party on his trial.—And ſhall certify the ſame in like manner.

Bail to be certified.

In London, Middleſex, and in other cities and towns corporate, juſtices may let priſoners to bail, as they might before this act; but when they do bail, they are to take and certify the bail and examination as is here directed.

1 W. ſeſſ. 2. c. 2. No exceſſive bail.

By the declaration of rights, exceſſive bail ought not to be required.

2 *Haw.* 90. Bail in ſome caſes not to be refuſed.

To refuſe bail, where the party ought to be bailed, is a miſdemeanor puniſhable by indictment.

H. P. 97. In others not to be admitted, *Burn. J. I. p.* 151.

Admitting bail, where it ought not, is puniſhable by the judges of aſſize by fine; or puniſhable as a negligent eſcape at common law.

Conſtables duty with priſoners. *Id.*

Altho' the conſtable by his own authority, without any warrant of commitment, may carry offenders to gaol, yet, ſince the inſtitution of the office of juſtices of the peace, it is better that they be carried before a juſtice, to be ſent by him to gaol by warrant of commitment.

Crime to be ſpecified.

The warrant of commitment ought to ſet forth the cauſe eſpecially; that is to ſay, not for treaſon, or felony in general, but treaſon *for counterfeiting the king's coin*, or felony *for ſtealing the goods of ſuch a one to ſuch a value*, and the like; that the court may judge whether the offence is ſuch, for which a priſoner ought to be admitted to bail.

Banks deſtroying.

IF any perſon ſhall unlawfully and maliciouſly break down or cut down the bank of any river or ſea bank, whereby any lands ſhall be overflowed or damaged, he ſhall be guilty of felony without benefit of clergy. 6 G. 2. c. 37. Deſtroying banks felony.

And if any perſon ſhall remove any materials, driven into the ground, and uſed for the ſecuring any marſh or ſea-walls, or banks, on complaint or information thereof made upon oath to any juſtice reſiding near the place, ſuch juſtice ſhall ſummon the party complained of, or ſhall iſſue his warrant to apprehend and bring ſuch perſon before him; and upon his appearance, or neglect to appear, he ſhall proceed to examine the fact, and upon due proof thereof made either by confeſſion, or oath of one witneſs, ſhall convict the offender; who ſhall thereupon forfeit 20l. half to the informer, and half to the overſeer for the uſe of the poor, to be levied by diſtreſs and ſale: for want of ſufficient diſtreſs, to be committed to the houſe of correction, to be kept to hard labour for ſix months. 10 G. 2. c. 32. Penalty. Application.

Bankrupt.

NO commiſſion of bankruptcy ſhall be iſſued on the petition of one or more creditors, unleſs the ſingle debt of ſuch creditor, or of two or more being partners, amount to 100l.; or of two ſuch creditors petitioning amount to 150l.; or of three or more to 200l.—On certificate under the hands and ſeals of the commiſſioners, that ſuch a commiſſion is iſſued, and ſuch a perſon proved before them to become bankrupt, any judge, or juſtice of the peace, ſhall, on application to them for that purpoſe made, grant their warrant for the taking and apprehending ſuch perſon, and commit him to the common gaol, there to remain until he be removed by order of the commiſſioners by their warrant.—The bankrupt, after aſſignees ſhall be appointed, ſhall deliver up to them on oath (to be adminiſtered by a maſter in chancery, or juſtice of the peace) all his books of account, papers, and writings not ſeized by the meſſenger of the commiſſion, and not before delivered up, and then in his power, and diſcover ſuch as are in the power of others. 5 G. 2. c. 30. In what caſes commiſſion to be iſſued. Bankrupt how to act.

Barratry.

34 *Ed.* 3. *c.* 1. Barratry, what.

BARRATRY ſignifies a quarrel or contention.—The juſtices of the peace ſhall have power to reſtrain all barrators, and to purſue, arreſt, take, and chaſtiſe them, according to their treſpaſs or offence.

Baſtards.

3 *Inſt.* 244.

WE term all by the name of baſtards, that are born out of lawful marriage; but if the iſſue be born within a month, or a day, after marriage between parties of full lawful age, the child is legitimate.

5 *G.* 2. *Pendrell & Pendrell.*

Though the huſband and wife are both in England, if there is ſufficient proof that he had no acceſs to her, the child will be a baſtard.

But this non-acceſs of the huſband ought to be proved otherwiſe than upon the wife's oath.

6 *G.* 2. *c.* 31. Juſtices how to act in caſes of baſtardy.

If any ſingle woman ſhall be delivered of a baſtard child, which ſhall be chargeable, or likely to become chargeable, or ſhall declare herſelf to be with child, and that ſuch child is likely to be born a baſtard, and to be chargeable; and ſhall, in either of ſuch caſes, in an * examination to be taken in writing, upon oath, before one juſtice of the county, city, or town corporate, where ſuch pariſh or place ſhall lie, charge any perſon with having gotten her with child; it ſhall be lawful for ſuch juſtice, upon application made to him by the overſeers of the poor of ſuch pariſh, or one of them, or by any ſubſtantial houſholder of an extraparochial place, to iſſue out his † warrant for the immediate apprehending ſuch perſon ſo charged as aforeſaid, and for bringing him before ſuch juſtice, or before any other of his majeſty's juſtices of the peace of ſuch county, city, or town corporate:—And the juſtice, before whom ſuch perſon ſhall be brought, ſhall commit him to the common gaol or houſe of correction, unleſs he ſhall give ſecurity to indemnify ſuch pariſh or place, or ſhall enter into a ‡ recognizance, with ſufficient ſurety, upon condition to appear at the next general quarter ſeſſions, or general ſeſſions of the peace.

* See Appendix, No. 8. or No. 10.
† See Appendix, No. 9.
‡ See Appendix, No. 12.

If

If the conſtable, having a warrant to apprehend the reputed father, ſhall willingly or negligently ſuffer him to eſcape, he may be bound over to the ſeſſions, and there indicted, fined, and impriſoned.

Conſtable's neglect, how puniſhed.

And if ſuch woman ſhall die, or be married, before ſhe ſhall be delivered, or miſcarry of ſuch child, or ſhall appear not to have been with child at the time of her examination, ſuch perſon ſhall be diſcharged from his recognizance at the next ſeſſions, or immediately releaſed out of cuſtody by warrant of one juſtice reſiding in or near the limits where ſuch pariſh or place ſhall lie; who ſhall ſummon the overſeers of the poor to appear before him, to ſhew cauſe why ſuch perſon ſhould not be diſcharged.

In caſe of the woman's death, &c.

It ſhall not be lawful for any juſtice to ſend for any woman, before ſhe ſhall be delivered and one month after, in order to her being examined concerning her pregnancy; or to compel any woman, before ſhe ſhall be delivered, to anſwer any queſtions relating to her pregnancy.

Woman not compellable to appear before delivery.

If ſecurity hath not been given to indemnify the pariſh, two juſtices (1 Q.) in or next unto the limits where the pariſh church is, within which pariſh ſuch baſtard ſhall be born, upon examination of the cauſe and circumſtance, ſhall and may, by their diſcretion, take order, as well for the puniſhment of the mother and reputed father, as alſo for the better relief of ſuch pariſh, in part or in all; and ſhall and may, by like diſcretion make order for the keeping of every ſuch baſtard child, by charging ſuch mother or reputed father, with the payment of money weekly, or other ſuſtentation, for the relief of ſuch child, in ſuch ways as they ſhall think meet and convenient: and if the mother or reputed father ſhall not obſerve and perform the ſaid order, every ſuch party ſo making default ſhall be committed to ward to the common gaol, there to remain without bail or mainpriſe, except he or ſhe ſhall put in ſufficient ſurety to perform the ſaid order, or elſe perſonally to appear at the next general ſeſſion of the peace †.

18 *Eliz. c.* 3.

Mother and reputed father, puniſhable in failure of ſecurity.

All juſtices of the peace, within their ſeveral limits and precincts, and in their ſeveral ſeſſions, may do and execute all things concerning that part of the ſaid ſtatute of 18 *Eliz.* which by the juſtices in their ſeveral counties are by the ſaid ſtatute limited to be done.

3 *C. c.* 4. Juſtice's power in this caſe.

If the two next juſtices make not proviſion for the baſtard, the juſtices at their quarter ſeſſions ſhall ſettle an order for keeping of the baſtard, as the two next juſtices ought.

7 *Ja. c.* 4. On their neglect, an order at ſeſſions.

Concerning baſtards being left to be kept at the charges of the pariſh where born, the two next juſtices ſhall take order

* See Appendix, No. 13.

† In London or Middleſex there are four general ſeſſions in the year, beſides the quarter ſeſſions.

therein,

therein, as well for the puniſhment of the mother and reputed father, as for the relief of the pariſh.

7 Ja. c. 4. Lewd women how puniſhed.

Every lewd woman, who ſhall have any baſtard, which may be chargeable to the pariſh, the juſtices of the peace ſhall commit her to the houſe of correction, there to be puniſhed and ſet to work, during the term of one whole year; and if ſhe ſhall eſtſoons offend again, ſhe is then to be committed to the ſaid houſe of correction as aforeſaid, and there to remain, until ſhe can put in good ſureties for her good behaviour, not to offend ſo again.

13 & 14 C. 2. c. 12. Goods of reputed father or mother liable.

If the putative father or lewd mother of a baſtard child run away out of the pariſh, and leave the baſtard children upon the charge of the pariſh where they were born, although they have eſtates ſufficient to diſcharge the pariſh; it ſhall be lawful for the churchwardens and overſeers of the poor of ſuch pariſh to take and ſeize ſo much of the goods, and receive ſo much of the annual rents or profits of the land of ſuch putative father or lewd mother, as ſhall be ordered by any two juſtices, towards the diſcharge of the pariſh, to be confirmed at the ſeſſions, for the bringing up and providing for ſuch baſtard child; and thereupon the ſeſſions may make an order for the churchwardens or overſeers of the poor of ſuch pariſh, to diſpoſe of the goods by ſale or otherwiſe, or ſo much of them for the purpoſes aforeſaid, as the court ſhall think fit, and to receive the rents and profits of the lands, or ſo much of them as ſhall be ſo ordered by the ſeſſions.

21 J. c. 27. Concealing child's death.

If any woman be delivered of a baſtard, and ſhe endeavour ſo to conceal the death thereof, as that it may not come to light, whether it were born alive or not, but be concealed, ſhe ſhall ſuffer death as in caſe of murder, except ſhe can prove, by one witneſs at leaſt, that the child was born dead.

Beer, Ale, Worts, &c.

25 G. 3. c. 73. Who deemed retailers.

FROM July 5, 1785, Every perſon ſelling beer, ale, or worts, in a leſs quantity than in a caſk of four gallons and a half, at any one time, ſhall be deemed a retailer, and ſhall not be entitled to any allowance for waſte by leakage, &c.

Bent,

Bent.

A SORT of rush or shrub, growing on the north west coasts of England. 15 G. 2. c. 33.

If any person, without consent of the owner, shall cut, pull up, or carry away any starr or bent, on complaint there- on oath to one justice, the offender shall be summoned, nd on default of appearing, the justice shall issue his warrant apprehend and bring him before him; and being convicted oath of one witness, or confession, he shall forfeit 20s. lf to the informer, and half to the owner of the bent, by istress; and for want of sufficient distress shall be sent to the ouse of correction for three months, to be kept to hard la- our; and for a second offence, be committed to the house correction for one year, to be whipt and kept to hard la- our. Penalty for cutting bent.

[Bigamy. See Polygamy.]

Black-Act.

OFFENCES against this act:

By persons armed or disguised. 9 Geo. 1. c. 22.

1. In any forest, park, or grounds inclosed, wherein deer e or have been kept.
2. In any warren for hares or conies.
3. In any high road, open heath or common, &c.
4. Wounding, killing, or stealing red or fallow deer.
5. Robbing any warren for hares or conies.
6. Stealing any fish out of a river or pond.

By persons, whether armed and disguised, or not.

7. Unlawfully wounding, destroying or stealing any red or low deer, in the king's forests or chases inclosed.
8. Breaking down the head or mound of a fish-pond.
9. Maliciously killing, maiming, or wounding cattle.
10. Cutting down or destroying trees planted for ornament, lter, or profit.
11. Setting fire to any house, barn, hay-rick, stack of corn w, wood, &c.
12. Maliciously shooting at any person, in an house or ewhere.

13, Sending

13. Sending a threatening letter, demanding money, or any thing valuable.

14. Rescuing any person in lawful custody for any of the said unlawful acts.

15. Procuring any person, by gift or reward, to join in any such unlawful act.

16. Maliciously cutting down the bank of any river, or sea-bank.

17. Maliciously cutting any hop-binds growing on poles.

18. Maliciously setting on fire any mine, pit, or delph of coal, &c.

Offences against this act, how punished.

Every person so offending, being thereof lawfully convicted (in any county in England) shall be adjudged guilty of felony, and shall suffer death as in cases of felony, without benefit of clergy; but not to work corruption of blood, nor forfeiture of lands or goods.

27 *El. c.* 13.

Hundred to satisfy in certain cases,

And the inhabitants of the hundreds shall make satisfaction (not exceeding 200l.) for the damages sustained by No. 9, 10, 11, 16, 17, 18.—But no person shall be enabled to recover damages, unless he shall, by himself or servant, in two days after the damage done, give notice of the offence; and shall, in four days after such notice, give in his examination on oath, or the examination on oath of his servant, who has the care of the same, before a justice inhabiting in or near the hundred, whether he knows the person or persons that committed the fact, or any of them; and if, upon such examination, it be confessed, that the examinant knows the said persons, or any of them, then such person confessing, shall be bound by recognizance to prosecute the offender by indictment or otherwise, according to law. And if an offender be apprehended and lawfully convicted, in six months after the offence committed, the hundred shall not be liable. And the action shall be commenced within one year after the offence committed.—And if any person shall be killed, or wounded so as to lose an eye, or the use of any limb, in apprehending or securing any such offender, on proof thereof made at the sessions, by the persons so wounded, or the executors or administrators of the party killed, the justices shall give a certificate thereof, by which they shall be entitled to receive of the sheriff 50l. in 30 days from the time the certificate shall be shewed to him, on pain of forfeiting to the party 10l.

and on certain conditions.

Reward to persons apprehending.

Blasphemy *and* Profaneness.

1 *W. Sess.* 1. *c.* 18. Blasphemy, how punished.

NO person shall have any benefit of the toleration who shall deny in his preaching, or writing, the doctrine of the blessed Trinity, as it is set forth in the 39 articles

If any perſon ſhall in any ſtage-play, interlude, or ſhew, ingly or profanely ſpeak or uſe the holy name of God, or Chriſt Jeſus, or of the Holy Ghoſt, or of the Trinity, he ll forfeit 10l. half to the king, and half to him that ſhall

3 *Ja.* 1. *c.* 21. Stage profaneneſs.

If any perſon, having been educated in, or at any time hav- made profeſſion of the Chriſtian religion in this realm, ll, by writing, printing, teaching, or adviſed ſpeaking, deny y one of the Perſons in the Holy Trinity to be God; or ll aſſert or maintain there are more gods than one; or ſhall ny the Chriſtian religion to be true, or the Holy Scriptures be of Divine authority; and ſhall be convicted thereof, in y of the courts at Weſtminſter, or at the aſſizes, on the oaths two witneſſes, he ſhall, for the firſt offence, be incapable have any office eccleſiaſtical, civil, or military (unleſs he ll renounce ſuch opinion in the court where he was convic- , within four months after ſuch conviction); and for the ond offence, he ſhall be diſabled to be plaintiff, guardian, ecutor, or adminiſtrator, to take any gift or legacy, or to r any office, and ſhall be impriſoned for three years. But perſon ſhall be proſecuted for any words ſpoken, unleſs the ormation be given to a juſtice of the peace, within four days r the words ſpoken, and the proſecution of ſuch offence be hin three months after ſuch information.

9 & 10 *W.* *c.* 32. Conviction of blaſphemy.

Books.

F any book ſhall be taken, or otherwiſe loſt, out of any parochial library, any juſtice may grant his warrant to rch for it; and if it ſhall be found, it ſhall, by order of h juſtice, be reſtored to the library.

7 *Ann.* *c.* 14. Warrant to ſearch for books taken from pariſh library.

Bread.

T ſhall be lawful for the court, or for the perſon or perſons herein authorized to ſet the aſſize of bread, to ſet or aſcer- in any place within their juriſdiction, the aſſize and weight all ſorts of bread, which ſhall be made for ſale, or expoſed ſale, and the price to be paid for the ſame, when and as en as they ſhall think proper.—Where an aſſize ſhall be ught proper to be ſet, if any perſon ſhall offend, and be victed thereof, by confeſſion or oath of one witneſs, before magiſtrate or juſtice within the limits of their juriſdic- , he ſhall forfeit not exceeding 40s. nor leſs than 20s.— he juſtices ſhall, in their ſeſſions, think fit to order that aſſize of bread, which ſhall be ſet for ſuch a particular

31 *G.* 2. *c.* 29. Aſſize may be ſet.

hundred or place, may extend to or comprize any other hundred or place, it ſhall be lawful for them ſo to do. And a entry ſhall be made from time to time by the clerk of the market, or other perſon, of every return by him made; and al of the rate at which the price, aſſize, and weight of bread ſhall be ſet within his juriſdiction; which book any inhabitant may, at all ſeaſonable times in the day, inſpect without fee.—If any clerk of the market, or other perſon appointed to make returns, ſhall neglect, omit, or refuſe to do any thing by this act required to be done by him, or ſhall deſignedly or knowingly make any falſe return, he ſhall, on conviction by oath of one witneſs, or by confeſſion, forfeit not exceeding 10l. nor leſs than 40s.—If any bread for ſale ſhall be complained of for wanting weight, it ſhall be brought before ſome juſtice within the juriſdiction, and weighed before him within three days after the ſame ſhall have been baked, ſold, or expoſed to ſale; and the baker ſhall forfeit from 1s. to 5s. for every ounce that is wanting; and from 6d. to 2s. 6d. for every deficiency leſs than an ounce; unleſs it be made out to the ſatisfaction of ſuch magiſtrate or juſtice, on the behalf of the party complained of, that ſuch deficiency in weight wholly aroſe from ſome unavoidable accident in baking, or otherwiſe, or was occaſioned by ſome contrivance or confederacy.

Short weight.

Id. If information ſhall be given on oath, to any magiſtrate or juſtice, that there is reaſonable cauſe to ſuſpect, that any miller or any maker of bread for ſale doth mix up any ingredient not the genuine produce of the grain, it ſhall be lawful for any peace-officer, authorized by the warrant of ſuch magiſtrate or juſtice, at all ſeaſonable times in the day-time, to enter into any houſe, bake-houſe, &c. and to ſearch and examine whether any ingredient ſhall have been mixed up with, or put into any meal or flour, whereby the purity of any meal or flour ſhall be in any wiſe adulterated: And if any magiſtrate or juſtice, to whom any thing ſeized ſhall be brought, ſhall adjudge that any mixture or ingredients ſhall have been put into ſuch meal or flour; in ſuch caſe, every ſuch magiſtrate or juſtice is hereby required to diſpoſe of the ſame, as he in his diſcretion ſhall think proper.

Adulteration.

Lord-mayor or alderman in London, one juſtice elſewhere, may hear and determine. The mayor of London, or any alderman thereof, within the ſaid city or liberties, and one juſtice within the ſeveral counties, ridings, &c. may hear and determine, in a ſummary way, all offences againſt this act, and ſummon before him the party accuſed; and if he ſhall not appear, then, on oath made of the offence by one witneſs, he ſhall iſſue his warrant for apprehending the offender; and ſhall proceed to enquire of the offence, and to examine any witneſs or witneſſes, who ſhall be offered on either ſide upon oath, and ſhall convict or acquit the party accuſed: And if the * penalty, on ſuch conviction, ſhall

* Of 10l. to 40s. if the maſter, of 5l. to 20s. if the journeyman offends.

not

ot be paid within 24 hours after such conviction, such magis- Penalty to be paid within 24 hours;
ate or justice shall issue his warrant, directed to any peace-
ficer, to make distress; and if any offender shall convey away
is goods out of the jurisdiction of such magistrate or justice,
en some magistrate or justice, within whose jurisdiction the
ffender shall have removed his goods, shall back the said war-
nt, and thereupon the penalty shall be levied by distress, and
it be not paid within five days, the distress shall be ap-
raised and sold, rendering the overplus after all the charges,
be ascertained by the magistrate, shall be paid; and for
ant of such distress, such offender shall be committed to the
ommon gaol or house of correction for one calendar month,
nless payment shall be sooner made. The penalty, if not how applied.
articularly disposed of, shall be paid, one moiety thereof,
o the person who shall inform and prosecute; and the other
noiety thereof shall be applied by the magistrate for the better
arrying the said act into execution, as he shall think fit. If Power of appeal,
ny person convicted shall think himself aggrieved, he may
ppeal to the next sessions.

Other regulations have been since made, altho' no assize is 3 G. 3. c. 11.
et, and further provisions enacted.—Every wheaten loaf shall
e marked with a large Roman W; household with a large Ro- Loaves to be marked.
nan H; and if any person shall sell or offer to sale any such loaf
nmarked (except as to such loaves which shall be rasped by
he desire of the purchaser for his own use) he shall forfeit for
very such loaf, not exceeding 40s. nor less than 10s.; unless
t shall appear to the satisfaction of the justice to whom com-
plaint shall be made, that the not marking arose from some
unavoidable accident, or was occasioned by some contrivance
r confederacy.

And bread made of any other grain than wheat, shall be *Id.*
marked with some letter or letters not more than two, as the
justices in their general, quarter, or special sessions shall order,
which order shall be entered in a book; and the justices shall
cause a copy to be put up in some market or other town or pub- Copy of the mark to be published.
ic place within the division, or otherwise to be inserted in some
public newspaper.

It shall be lawful for any justice, or peace-officer authorised *Id.*
by warrant of such justice, to enter into any house, bakehouse,
&c. belonging to any baker or seller of bread; and to search, Search may be made.
view, weigh, and to try all or any bread which shall be there
found: And if any bread shall, on any search or trial by any
justice, or on proof made before him by the oath of one witness,
be found to be deficient in weight, or not truly marked, or de-
ficient in the due baking or working thereof, or wanting in
the goodness of the stuff, or made with any mixture of meal
or flour of any other grain than the same shall import to be
made with, or with any thing in lieu of flour, or made with Bread deficient or not marked may be seized, and given to the poor.
any leaven not allowed by the said former act, such justice or
peace-officer may seize the same, and dispose thereof to poor

persons as to such justice shall seem fit; and the maker or seller shall forfeit not exceeding 5l. nor less than 20s; half to the informer prosecuting to conviction; and half as the justices shall think fit, and order for the better carrying into execution the purposes of this act.

3 *G.* 3. *c.* 11. Penalty on obstructing search. Penalty on mealmen, &c. acting herein as justice.

If any person shall obstruct or oppose any such search, or seizure of such bread, he shall forfeit not exceeding 40s. nor less than 20s.—No miller, mealman, or baker, shall be capable of acting as a justice in the execution of this act: if he do, he shall forfeit 50l. to him who shall inform or sue for the same.

13 *G.* 3. *c.* 62.

Whereas by the 31 *G.* 2. *c.* 29. and 3 *G.* 3. *c.* 11. only two sorts of bread made of wheat are allowed to be made for sale, that is to say, Wheaten and Houshold; and whereas according to the ancient order and custom of the realm, there hath been, from time immemorial, a STANDARD WHEATEN BREAD, being the whole produce of the wheat whereof it was made; it is therefore enacted, that from henceforth a bread made of the flour of wheat, which flour, without any mixture or division, shall be the whole produce of the grain, the bran or hull thereof only excepted, and which shall weigh three-fourth parts of the weight of the wheat whereof it shall be made, may be made and sold, and shall be called and understood to be a *standard wheaten bread*.—And the maker shall mark every loaf thereof with the capital letters S. W. and the same may be made and sold, altho' no assize be set, of the weight and in the proportion following, viz.—That every standard wheaten peck loaf shall weigh 17 lb. 6 oz. averdupois; every half peck loaf 8 lb. 11 oz.; and every quartern loaf 4 lb. 5½ oz.

Directions as to standard wheaten bread.

Weight of loaves specified.

31 *G.* 2. *c.* 29.

The justices, at any general or quarter sessions, may prohibit, for three months, the makers of bread for sale, from making or exposing to sale any other one or more sorts of bread, purporting to be of a superior quality, and sold at a higher price, than the standard wheaten bread aforesaid.—Provided, that no such order of prohibition shall take place, until one calendar month at least after the date of the making thereof. And the justices shall cause a copy of such order to be put up in some market or other public town within the district, or shall cause the same to be inserted in some public newspaper published within such district.

Restriction of sessions herein.

London, Westminster, and the two Universities, exempt.

Coarse bread, of a cheaper sort than the standard wheaten, may be sold, at a price under that of houshold bread.—Nothing herein shall extend to prejudice the rights of London, Westminster, and the two Universities.

Brewers.

BREWERS (in which term *Publicans* were anciently included) conſpiring to ſell their victuals at unreaſonable ces, ſhall, on conviction in the ſeſſions or leet, by witneſs, feſſion, or otherwiſe, forfeit 10l. to the king for the firſt nce, and if not paid in ſix days, be impriſoned 20 days; the ſecond offence 20l. in like manner or the pillory; for third offence 40l. in like manner or the pillory, loſs of an , and be taken as men infamous, and their oath not to be dited in a matter of judgment. — 2 & 3 *Ed.* 6 *c.* 15.

This act prevents vexatious proceedings upon the former againſt brewers, victuallers or others, for advancing or ing advanced the price of ſtrong beer or ale, *in a reaable degree.* — 2 *G.* 3. *c.* 14.

By this act no common brewer ſhall ſell beer, ale, or worts, any leſs quantity than in a whole caſk, containing four lons and a half, on pain of forfeiting the ſum of 5ol. for ry ſuch offence; to be ſued for, recovered, levied or miti- ed, by virtue of any law or laws of exciſe, or by action of bt, bill, plaint, or information, in any of his Majeſty's rts of record at Weſtminſter, or in the court of Exche- r in Scotland reſpectively; and one moiety of every ſuch e, penalty, or forfeiture, ſhall be to his majeſty, his heirs d ſucceſſors, and the other moiety to him or them who ſhall orm, diſcover, or ſue for the ſame. — 32 *G.* 3. *c.* 8. No common brewer to ſell beer in leſs quantity than a whole caſk, on penalty of 5ol. — How penalties ſhall be applied.

Bricks *and* Tiles.

EVERY plain tile ſhall be 10½ inches long, 6¼ broad, and half an inch and half a quarter thick: Roof tile, 13 hes long, half an inch and half a quarter thick, with conient deepneſs: Gutter tile, and cover tile, 10½ inches long, th convenient thickneſs, breadth, and deepneſs.—If any rſon ſhall ſet to ſale any ſuch tile otherwiſe made, he ſhall feit to the buyer double value of the tile, and make fine and nſom at the king's will; to be recovered by action of debt, th coſts. And alſo the juſtices of the peace and every of em may hear and determine offences againſt this act; who ll aſſeſs upon the offender no leſs fine than for every 1000 ain tiles 5s. for every 100 roof tiles 6s. 8d. and for every o corner or gutter tiles 2s. — 17 *Ed.* 4. *c.* 4. — Dimenſions of tiles.

All bricks made for ſale, ſhall, when burned, be not leſs an eight inches and a half long, two inches and a half thick, d four inches wide; and all pantiles, not leſs than 13 inches and — 17 *G.* 3. *c.* 42. Of bricks and pantiles.

and a half long, nine inches and a half wide, and half an inch thick: on pain that the maker shall forfeit 20s. for every 1000 bricks, and 10s. for every 1000 pantiles.—All combinations for enhancing the price of bricks or tiles, shall be void; and every brickmaker or tile-maker offending therein, shall forfeit 20l. and every clerk, agent, or servant, 10l.; half to the poor, and half to him who shall sue in six calendar months in one of the courts of Westminster.

Penalties how recovered and applied.

All other penalties and forfeitures, not herein otherwise directed, shall be recovered before one justice, within one calendar month, on proof by confession or oath of one witness, to be levied by distress, and distributed half to the informer and half to the poor of the parish where the offender dwells, or the justice shall commit the offender to the common gaol for any time not exceeding two calendar months, unless such penalties shall be sooner paid. Persons aggrieved may appeal within four calendar months, to the general quarter sessions, giving 21 days notice to the party complained against, and within eight days after such notice entering into recognizance to pay the costs.

Power of appeal.

Bridges.

9 *H.* 3. *c.* 1. Who are compellable to make them.

NO town nor freeman shall be distrained to make bridges nor banks, but such as of old time and of right have been accustomed.

22 *H.* 8. *c.* 5. Justices in session to enquire and determine.

The justices, or four of them at the least, (1 Q.) shall have power to enquire, hear, and determine in the general sessions of all manner of annoyance of bridges broken in the highways, to the damage of the king's liege people, and to make such process and pains upon every presentment, against such as ought to be charged to make or amend them, as the king's bench usually doth, or as it shall seem by their discretion to be necessary and convenient, for the speedy amendment of such bridges.

12 *G.* 2. *c.* 29. Bridges must be first presented.

No money shall be applied to the repair of bridges, until presentment be made by the grand jury at the assize or sessions of their insufficiency, inconveniency, or want of reparation.

Id. Repaired by county rate.

The charges of repairing and amending bridges, and highways at the ends of bridges, shall be paid out of the general county rate.

22 *H.* 8. *c.* 5. Surveyors of bridges, how appointed. Usually the high constable.

The four justices, in sessions as aforesaid, may appoint two surveyors, with salaries, to see the bridges amended.

This business of surveying the bridges, is usually annexed by the justices to the office of the high constables.

14 *G.* 2. *c.* 33. Ground may be purchased by county rate.

The justices, at their sessions, may purchase any parcel of land, adjoining or near to any county bridge, for the more commodious enlarging, or rebuilding the same, not exceeding one

ne acre, to be paid for by the treasurer out of the county ates.

The justices, at their general or quarter sessions, after pre- entment made by the grand-jury of their want of reparation, ay contract with any person for rebuilding, repairing, and mending the same for any term not exceeding seven years, t a certain annual sum. 22 G. 2. c. 29. Justices may contract.

British Wines by Retail.

FROM July 5, 1788, no persons shall sell British wines for consumption in their own houses, unless such person shall also have obtained a licence for selling beer and ale. 28 G. 3. c. 37. Ale licence to be obtained.

N. B. The penalties for this offence are not here declared nd specified.

Burglary.

BURGLARY is a felony at common law, in breaking and entering the * mansion-house of another or outhouses, be- ng parcel of the messuage, in the night, with intent to com- mit some felony within the same, whether the felonious intent e executed or not. *Hale's Pl.* 79. Burglary, what.

Every entrance into the house by a trespasser, is not a break- ng in this case. If the door of a mansion-house stand open, nd the thief enter, this is not breaking. If the window of the ouse be open, and a thief with a hook or other engine draw- th out some of the goods of the owner, this is no burglary;— ut if the thief breaketh the glass of the window, and draweth ut the goods, this is burglary. 3 *Inst.* 64. Every entrance not burglaries.

Opening the casement, or breaking the glass window, pick- ng open the lock of a door, or putting back the lock or the eaf of a window, or unlatching the door that is only latched, s burglary. 1 *H. H.* 552.

If any person shall enter into the mansion-house of another, y day or night, with breaking the same, with an intent to commit felony, or being in such house shall commit any fe- ony, and shall in the night time break the said house to get ut, he shall be guilty of burglary. 12 *An. c.* 7.

If divers come in the night to do a burglary, and one of them break and enter, the rest of them standing to watch, at a dis- tance, this is a burglary in all. 3 *Inst.* 64. Persons keeping watch equally guilty.

* N. B. This includes churches, and the walls and gates of a walled town. 1 *Haw.* 103.

Every

10 & 11 W. c. 23. Reward for apprehending and profecuting.

Every perſon, who ſhall apprehend any one guilty of a bu glary, and proſecute him to conviction, ſhall have a certifica without fee, under the hand of the judge, certifying ſuch co viction; and if any diſpute ariſe between ſeveral perſons diſcovering or apprehending, the judge ſhall appoint the ce tificate into ſo many ſhares to be divided among the perſo concerned, as to him ſhall ſeem juſt and reaſonable.—And any perſon ſhall happen to be ſlain by ſuch burglar, in endea vouring to apprehend him, the executors or adminiſtrators ſuch perſon ſlain ſhall have the like certificate; which certi cate ſhall be inrolled by the clerk of the peace of the county which it ſhall be granted; for which he ſhall have 1s. and more: And the ſaid certificate ſhall be once aſſigned over; a the original proprietor, or the aſſignee of the ſame, ſhall b virtue thereof be diſcharged from all manner of pariſh a ward offices, within the pariſh and ward where the felony w committed.

5 An. c. 31. 6 G. 3. c. 23.

And moreover, on tender of ſuch certificate to the ſheri and demand made, he ſhall pay to the perſon ſo intitled, th ſum of 40l. without fee or deduction, within one month aft ſuch tender and demand, on pain of forfeiting double, wit treble coſts.

5 An. c. 31. Reward for diſcovery of two or more.

If any perſon, being out of priſon, ſhall commit any bur glary, and afterwards diſcover two or more of the like offen ders, ſo as two or more be convicted, he ſhall have the rewar and allowance of 40l. and alſo all other advantages which ar given to perſons who ſhall apprehend and convict any the lik offenders; and ſhall alſo have the king's pardon for all bur glaries, robberies, and felonies (except murder and treaſon by him committed before ſuch diſcovery made.

Burning.

1 Haw. 105. Felony to burn a houſe.

MALICIOUSLY and voluntarily burning the houſe o another, by night or by day, is felony at the commo law.

4 & 5 P. & M. c. 4. Hiring others to do it the ſame.

Every perſon who ſhall maliciouſly command, hire, or coun ſel any perſon, wilfully to burn any dwelling-houſe, or any part thereof, or any barn then having corn or grain in th ſame, ſhall not have the benefit of his clergy.

43 El. c. 13. Firing barns, corn, &c.

Whoever ſhall wilfully and of malice burn, or cauſe to b burned, or aid, procure, or conſent to the burning of any barn, or ſtack of corn or grain, within any of the counties o Cumberland, Northumberland, Weſtmoreland, and Dureſme ſhall be guilty of felony without benefit of clergy. [See *Black Act*]. And juſtices of the peace in ſeſſions may hear and deter mine the ſame. If any perſon ſhall, in the night time, mali ciouſly and willingly burn, or cauſe to be burnt any ricks, or ſtacks

cks of corn, hay, or grain, barns, or other houſes, &c. he all be guilty of felony, but without corruption of blood, or inheritance of heirs; and the judges of aſſize, or three juſices of the peace (1 &) may determine the ſame, ſo that the roſecution be within ſix months: and the ſaid juſtices, on queſt of the party injured, ſhall iſſue their warrant for aprehending all ſuch perſons as ſhall be ſuſpected thereof, and ke their examination: and ſhall cauſe all others who to hem ſhall ſeem likely to make diſcovery, to appear before hem, and give information on oath; and if ſuch witneſs, eing duly ſummoned, ſhall refuſe to appear, or to be exahined, they may commit him to the common gaol, till he ubmit to be examined upon oath; and they ſhall iſſue warants for ſummoning jurors; and any perſon found guilty hall be tranſported for ſeven years.

Such as be taken for houſe burning feloniouſly done, are not ailable by juſtices of the peace. 3 *Ed.* 1. *c.* 15. Offence not bailable.

If any ſhip-officer or mariner ſhall wilfully burn the ſhip to which he belongeth, or procure the ſame to be done, to the rejudice of the owner of the ſhip or goods, he ſhall be guilty f felony without benefit of clergy. 1 *Ann. ſt.* 2. *c.* 9. Burning ſhip felony.

If any perſon ſhall ſet fire to any mill, &c. or ſhall, by ay or by night, in a riotous, open, and tumultuous, or in a ecret and clandeſtine manner, forcibly. or wrongfully and malicioufly, burn any wood, or ſprings of wood, or coppice wood, he ſhall be guilty of felony. 1 *G. ſt.* 2. *c.* 48. 6 *G. c.* 16. Mill, wood, &c. the ſame.

And any two juſtices, or the juſtices in ſeſſions, may cauſe he offender to be apprehended, and hear, and determine and adjudge the offence. 6 *G. c.* 16. Two juſtices may hear and adjudge.

If any perſon ſhall ſet fire to, burn or deſtroy any goſs, furze, or fern, in any foreſt or chaſe without conſent of the owner or perſon chiefly entruſted with the cuſtody of ſuch foreſt or chaſe, and being brought before a juſtice, ſhall be thereof convicted by confeſſion, or oath of one witneſs, he ſhall forfeit not exceeding 5l. nor leſs than 40s. half to the informer, and half to the poor; if not forthwith paid, to be levied by diſtreſs; and if no ſufficient diſtreſs can be found, the juſtice ſhall commit him to the common gaol for any time not exceeding three months, nor leſs than one month. 28 *G.* 2. *c.* 19. Burning goſs or fern, how puniſhed.

If any perſon ſhall burn or cauſe to be burnt, any wain or cart, laden with coals, or any merchandize, or any heap of wood prepared, for making coals, or billets, he ſhall forfeit treble damages to the party grieved, to be recovered by action of treſpaſs: and alſo 10l. as a fine to the king. 37 *H.* 8. *c.* 6. Burning wain or cart laden with wood or coals.

If any ſervant, through negligence or careleſſneſs, ſhall fire or cauſe to be fired any dwelling houſe or outhouſe or houſes, and be thereof convicted on the oath of one witneſs before two juſtices, he ſhall forfeit 100l. to the churchwardens of the pariſh where the fire ſhall happen, to be diſtributed by them to the ſufferers, in ſuch proportions as to them ſhall ſeem juſt; and if he do not pay the ſame immediately on demand to 6 *An. c.* 31. Servant negligently ſetting fire to a houſe.

the churchwardens, the ſaid juſtices ſhall commit him to ſom workhouſe, or houſe of correction, for 18 months, there to b kept to hard labour.

Threatening to ſet fire to houſe, &c.

Any juſtice may cauſe to come before him, all thoſe, who any of the people, concerning the firing of their houſes, hav uſed threats, to find ſufficient ſecurity for the peace or the good behaviour towards the king and his people; and, if the ſhall refuſe to find ſuch ſecurity, may cauſe them to be ſafel kept in the king's priſons, until they ſhall find ſuch ſecurity.

9 *G. c.* 22. Letter to this effect felony.

If any perſon ſhall ſend any letter, without any name ſub ſcribed thereto, or ſigned with a fictitious name, threatning t burn any houſe, outhouſe, barn, ſtack of corn or grain, ha or ſtraw; he ſhall be guilty of felony without benefit of clergy

Burying in Woollen. See Woollen Manufacture.

Butcher.

2 & 3 *Ed.* 6. *c.* 15. Conſpiracy of butchers, &c.

IF any * butchers ſhall conſpire not to ſell their victuals be at certain prices; every ſuch perſon ſhall forfeit for the firſ offence 10l. to the king, and if not paid in ſix days, he ſha ſuffer twenty days impriſonment, and ſhall have only brea and water for his ſuſtenance; for the ſecond offence 20l. in like manner, or the pillory; and for the third offence 40l. o pillory, and the loſs of an ear, and to be taken as a man in famous, and not to be credited in any matter of judgment.— And the ſeſſions or leet may determine the ſame.

3 *G. c.* 2. Killing or ſelling meat on Sunday.

If any butcher ſhall kill or ſell any victual on the Lord's day, he ſhall forfeit 6s. 8d. one third to the informer, and two thirds to the poor, on conviction before one juſtice, on his own view, or confeſſion, or oath of two witneſſes, to be levied by the conſtable or churchwarden.

1 *Ja. c.* 22. No butcher to be a tanner.

No butcher to be a tanner or a currier, on pain of 6s. 8d. a day.

N. B. *This ſtatute extends likewiſe to any artificers, and workmen conſpiring, upon oath, not to work, but at a certain price or rate, or not to work but at certain hours and times.*

Butter *and* Cheeſe.

13 & 14 *C.* 2. *c.* 26.

EVERY perſon packing up butter for ſale, ſhall ſet upon every firkin and caſk, when the ſame is fully ſeaſoned in water, a continuing viſible mark of the juſt weight of the

* This act includes Brewers (ſee p. 37.), Bakers, Poulterers, Cooks, Coſtermongers, and Fruiterers.

empty

npty cask; on pain of forfeiting for every offence the sum of n shillings for every hundred weight of butter otherwise cked, and so proportionably for a greater or lesser quantity; lf to the churchwardens and overseers for the use of the poor, d half with double costs to him who shall sue for the same in ions, within four months, by action of debt, indictment, formation, or presentment. How to be packed.

Every kilderkin of butter shall contain 112 pounds, and ery firkin 56 pounds neat, or above: every pound containing ounces, besides the tare of the cask, of good and merchant-le butter; and every pot of butter shall contain 14 pounds at, or above, besides the weight of the pot. Contents of firkin, &c.

Buttons.

NO person shall sell or offer to sale, or import, any foreign buttons whatsoever; on pain that he, who shall offer em to sale, shall forfeit the same and 5ol. and the importer ll forfeit the same and 100l. half to the king, and half to n that shall sue.—And on complaint and information given a justice of the peace, he shall issue his warrant to the con-ble, to enter and search for such manufacture in the shops ng open, or warehouses, and dwelling houses of such per-s as shall be suspected, and to seize the same. 13 & 14 *C.* 2. *c.* 13. 1 *W.* *c.* 10. Foreign ones not to be sold or imported.

No person shall make, sell, or set on any buttons made of od only, and turned in imitation of other buttons; on pain forfeiting 40s. a dozen, half to the king, and half to him t shall sue in any court of record.—No person shall make, , or set on, any buttons made of cloth, serge, drugget, e, camlet, or other stuffs of which clothes are usually de; on pain as above. Not to be made of wood only. or of stuff wherewith clothes are made.

No taylor or other person shall set on any clothes, any but-s or button-holes, made of serge, or other stuffs of which thes are usually made; on pain of 5l. a dozen, half to the g, and half to him that shall sue; or on complaint to two ices, they may summon witnesses, and levy the penalty, l return the overplus, if any be; and if any person is ag-eved, he may appeal to the next sessions. 8 *An.* *c.* 8. Taylor how punished.

No taylor or other person shall set on any clothes, buttons de of, or bound with, cloth, &c. (velvet excepted) on pain 40s. a dozen.—To be determined by one justice; on oath of witness, in three months after the offence; and to be dis-buted (charges of conviction first deducted) half to the in-mer, and half to the poor of the parish or place where the nce shall be discovered; if not paid in 14 days, the justice ll issue his warrant to the constable to levy it by distress and ; and where no sufficient distress can be found, the offender ll be committed to the common goal to hard labour for three 4 *G.* *c.* 7. One justice to determine.

Clothes with false buttons forfeited.

calendar months.—All clothes made with such buttons a button holes, *exposed to sale*, shall be forfeited.

7 *G. st.* 1. *c.* 12. Wearer how punished.

No person shall use or wear on any clothes (velvet excepte any such buttons or button-holes, on pain of 40s. a dozen, conviction by confession, or oath of one witness; and any j tice of the peace, where the offence shall be committed, or offender shall inhabit, shall on complaint or information oath, of any credible person, in one month after the offen summon the party, and on his appearance or contempt, e mine the matter; and on due proof by confession, or oath one witness, convict the offender, and cause the forfeiture his warrant to be levied by distress and sale; the said penal to be half to him on whose oath the party shall be convict

Power of appeal.

and half to the poor of the parish, where the offence shall committed.—And persons aggrieved may appeal to the n quarter sessions, giving eight days notice.

Cabbages—Stealing. See Turnips.

Candles.

25 *G.* 3. *c.* 74. Who may make them.

NO person residing within the limits of the head office excise in London, shall make candles, unless he occ a tenement of 10l. per annum, and pay parish rates for t same; nor in any other part of the kingdom, unless he pay church and poor.

Id. Entries made every week.

By 8 *Ann. c.* 9. monthly entries were to be made in Lond and Westminster, and entries every six weeks elsewhere, by makers of candles; which clauses are repealed; and by t act, All persons making candles shall every week make a t entry of the candles made within each week, at the next fice of excise, on pain of forfeiting 20l. and they shall p and clear off all duties within one week after such entry made.

Id. Notice to officers.

Six hours' notice within the limits of the head office of e cise in London, and twenty-four hours' notice elsewhere sh be given, before any chandler begins making candles, on p nalty of 50l. if such notice is not given, and the making m be begun within three hours of the time mentioned in the n notice, or the notice is null and void.

Id. Penalty for not giving notice.

If any officer of excise shall discover that the making of ca dles is privately carried on, without notice given, and he sh discover any person knowingly assisting therein, every per so discovered shall forfeit 20l. over and above all penalties t the proprietor or maker of such candles shall be liable to; t offender to be stopt, detained, and conveyed by the said o ficer of excise, and all other persons acting in his aid, bef

or more juſtice or juſtices of the peace, who, on confeſſion, proof by the oath of one or more credible witneſs, may con- the perſon ſo diſcovered, who ſhall immediately pay the 20l. into the hands of the officer, or ſhall commit the of- der to the houſe of correction to hard labour for two months m the day of ſuch conviction. The penalty and time of priſonment to be doubled for the ſecond offence.

One moiety of the penalties impoſed by this act, ſhall be his majeſty, the other to him or them that ſhall inform, cover or ſue for the ſame. The action or ſuit muſt be mmenced within three months, with treble coſts to the de- dant, if the verdict ſhall paſs in his or their favour. Diſpoſal of penalties.

By 27 *G.* III. *c.* 13. a certain duty of exciſe of one penny f-penny was impoſed for every pound weight avoirdupois candles of tallow, and other candles whatſoever (except x and ſpermaceti candles) made in Great Britain, and a cer- n drawback of exciſe was granted of one penny half-penny every pound weight avoirdupois of ſuch candles (except aforeſaid) exported as merchandize to foreign parts, From d after the 25th day of *March* 1792, one half-penny of the ty and drawback reſpectively for every pound weight avoirdu- s of ſuch candles, ſhall be repealed; and from thence- th the ſeveral powers and authorities given by any act or s of parliament, as far as relates to the levying, collecting, d paying ſo much of the ſaid duty and drawback, ſhall ceaſe d determine. 32 *G.* 3. *c.* 7. From March 25, 1792, one half-penny per lb. on candles of duty impoſed, and of the drawback allowed, by the recited act, to ceaſe.

Cards. See Stamps.

Carriers.

ALL perſons carrying goods for hire, as maſters and owners of ſhips, lightermen, *ſtage-coachmen*, and the ke, come under the denomination of common carriers. 1 *Bac. Abr.* 348. Who properly ſo called.

The juſtices, in Eaſter ſeſſions yearly, ſhall rate the prices all land carriage of goods to be brought into any place within eir juriſdiction, by any common waggoner or carrier: And o ſuch carrier ſhall take for carriage above the rates ſo ſet, n pain of 5l. by diſtreſs, by warrant of two juſtices where ch waggoner or carrier ſhall reſide, to the uſe of the party rieved. 3 *W.* *c.* 12. Carriers prices rated.

Where goods are delivered to a carrier, and he is robbed of em, he ſhall be charged, and anſwer for them, by reaſon of e hire. 1 *Salk.* 143. Carrier anſwerable.

If a man delivers goods to a common carrier, to carry to a rtain place; if he loſes or damages them, an action upon e caſe lies againſt him; for by the cuſtom of the realm, he ought 1 *Bac. Abr.* 343. Action of damage.

ought to carry them ſafely.—If a perſon, who is no comm carrier, takes upon himſelf to carry my goods, tho' I prom him no reward, yet, if my goods are loſt or damaged by default, I ſhall have an action againſt him.

Read. Car. Carrier anſwerable for his ſervant. *Comyn* 25.

A delivery to the carrier's ſervant is a delivery to the carrie and if goods are delivered to a carrier's porter, and loſt, action will lie againſt the carrier.

Goods by ſtage-coaches.

By the cuſtom and uſage of ſtage coaches, every paſſeng uſes to pay for the carriage of goods above ſuch a weight; a in ſuch caſe, the coachman ſhall be charged for the loſt goods beyond ſuch weight.

Kelynge 39. Carrier may ſue as for his own.

Where goods are ſtolen from the carrier, he may prefer indictment againſt the felon, as for his own goods.

Carrots. See Turnips.

[*The penalty for ſtealing* carrots *is the ſame as that for ſteali* turnips, potatoes, cabbages, parſnips, *and* peaſe: *and are treated of together under the title* Turnips.]

Carts, Wains, Waggons, &c.

23 *G.* 3. *c.* 66.

BY an act of 23 *G.* 3. *c.* 66. certain rates and duti were charged upon every perſon who ſhould keep an waggon, wain, or cart, or other ſuch carriage with three or fou wheels, or any cart or other carriage with two wheels, (excep ſuch carriages as were then charged with any duty under th management of the commiſſioners of Exciſe), and the ſaid rates and duties were placed under the receipt and manage ment of the commiſſioners for managing the duties on ſtamped vellum, parchment, and paper: and by another act, 25 *G.* 3. *c.* 47. the receipt and management of the ſaid recited rates and duties were transferred from the ſaid commiſſioners of ſtamp to the commiſſioners for the affairs of taxes, and further pro viſions were made for levying, collecting, and ſecuring the ſaid recited rates and duties. From and after the fifth day of *April* 1792, the ſeveral rates and duties granted by the ſaid act of the 23d year of his preſent majeſty, ſhall ceaſe and determine; and from thenceforth, all the powers and authorities given and granted, and the rules and regulations eſtabliſhed and preſcribed by the ſaid recited act of the 25th year of his preſent majeſty, for or in relation to the managing, ſecuring, aſcertaining, collecting, recovering, levying, and paying the ſaid rates and duties, and all penalties in reſpect thereof, ſhall alſo ceaſe and determine; ſave and except in all caſes relating to the recovering of any arrears which may at that time remain unpaid.

25 *G.* 3. *c.* 47.

32 *G.* 3. *c.* 4. From April 5, 1792, the duties impoſed by the firſt recited act to ceaſe.

N. B.

N. B. The owner of every cart, dray, &c. within five miles of Temple Bar, or within the bills of mortality, shall write his name and place of abode, at the Hackney Coach-office, and affix his name, and the number of the carriage, on the conspicuous part thereof, or be subject to all the penalties the laws relative to owners of carts, &c. Name and Number to be inscribed.

Cattle.

NO person shall buy an ox, cow, calf, &c. and sell the same again alive, in the same market, or fair, on pain forfeiting double, half to the king, and half to him that will sue.——This is not repealed by 12. *G.* 3. *c.* 71. 3 & 4 *Ed.* 6. *c.* 19.

If any person shall feloniously drive away, or steal, or shall wilfully kill any ox, bull, cow, calf, steer, bullock, heifer, sheep, or lamb, with a felonious intent to steal the whole carcase, or any part thereof, or shall assist in committing any such offence, he shall be guilty of felony, without benefit of clergy. 14 *G.* 2. *c.* 6. & 15 *G.* 2. *c.* 34. Driving away cattle.

And every person, who shall apprehend and prosecute to conviction any offender, shall have 10*l.* reward; to be paid by the sheriff, within a month, on his producing a certificate from a judge. *See also Black Act.* Reward to prosecute.

Any peace officer may secure persons driving cattle through the streets of London, or Westminster, or the liberties thereof, in an improper manner. If the party be convicted before a justice, he shall forfeit from 5*s.* to 20*s.* to the prosecutor; or be committed to the house of correction, &c. for one month, the same penalty against the owner or his servant.—Any justice within the bills of mortality may determine complaints of offences against any rules to be made by the court of aldermen. In pursuance of this act, the said justice is hereby authorized and required upon view, or upon complaint made, on oath, within 10 days after the commission of any such offence, to issue his warrant under his hand and seal, to apprehend such offender or offenders; and if the party be convicted, he may fine him, and the offender not paying the penalty, may be committed to the house of correction, to hard labour, for any time not exceeding one calendar month, unless the said penalty or forfeiture shall be sooner paid; which shall be paid to the person or persons who shall inform and prosecute to conviction any such offender or offenders.—Offenders, who refuse to discover their names and places of abode, shall be committed to the common gaol for one month, or until he, she, or they, shall declare his, her, or their name or names, and place or places of abode, to the said justice, or to some other justice of the peace of the same county or place.—An abstract of the penalties contained in this act, and of all rules, &c. shall be made by the court of aldermen, 21 *G.* 3. *c.* 67. Abuse in driving.

aldermen, and be printed and affixed upon the moſt conſpi-
ous places within the ſaid cities of London and Weſtmin
and liberties thereof.—No perſon ſhall ſuffer any puniſhm
for any offence committed againſt this act, unleſs the pr
cution for the ſame be commenced within fourteen days.
Perſons aggrieved may appeal to the quarter ſeſſions, giving
days notice.

Certiorari.

Certiorari deſcribed.

A CERTIORARI is an original writ, iſſuing out of
court of chancery, or the king's bench, directed in
king's name to the judges or officers of inferior courts, c
manding them to *certify*, or to return the records of a cauſe
pending before them, to the end the party may have the m
ſure and ſpeedy juſtice, before the king or ſuch juſtices a
ſhall aſſign to determine the cauſe.

Dalt. c. 195. The juſtices of the peace may deliver or ſend into the ki
bench, indictments found before them, or recognizances of
peace taken before them, or force recorded by them, with
any certiorari.

Raym. 469, 580. A certiorari lies in all judicial proceedings, in which a
of error does not lie; and it is a conſequence of all inferior
riſdictions erected by act of parliament to have their proce
ings returnable in the king's bench.

2 *Haw.* 286. And therefore a certiorari lies to juſtices of the peace, e
in ſuch caſes which they are impowered by ſtatute finally
hear and determine.

2 *Haw.* 294. Muſt be delivered before jury is ſworn. 13 *G.* 2. *c.* 18. Muſt be applied for in ſix months.

If a certiorari for the removal of an indictment before
tices of the peace be not delivered, before the jury be ſw
for the trial of it, the juſtices may proceed.

No certiorari ſhall be granted, to remove any convict
judgment, &c. unleſs it is applied for in ſix calendar mon
and ſix days notice are given to the juſtices, to ſhew cauſe
they think fit, againſt iſſuing the *certiorari*.

Crom. 129. Effect of *ſuperſedeas*.

If a *ſuperſedeas* come out of a ſuperior court, to the juſti
they ought to ſurceaſe, altho' the *ſuperſedeas* be awarded ag
law; for they are not to diſpute the command of a ſupe
court, which is a warrant to them.

2 *Haw.* 294. Certiorari to be returned by juſtices,

Every return of a certiorari ought to be under ſeal.—
altho' the *cuſtos rotulorum* keep the records, yet muſt the juſ
to whom it is directed, return the certiorari; and therefo
it is directed to the juſtices of the peace, and the clerk of
peace only return it, nothing is thereby removed.

1 *Barnardiſt.* 113 upon parchment. *Dalt. c.* 195. A return was in paper (and not upon parchment); and
that reaſon was held by the court not good.

Upon a certiorari to remove an indictment of a riot, or for
ble entry, or the like, the return muſt have theſe words,

also to hear and determine divers felonies, &c. according to the commiſſion; for if the return mentions only that they are juſtices of the peace, without ſuch words, the return is inſufficient. Juſtices deſcribed.

For the mode of return of a certiorari (a matter not often before a ſingle magiſtrate). See Burn, *in locum*.

Cheat.

CHEATS, which are puniſhable by the common law, may in general be deſcribed to be deceitful practices, in defrauding, or endeavouring to defraud, another of his known right, by means of ſome artful device, contrary to the plain rules of common honeſty. 1 *Haw.* 188. Cheats deſcribed.

If any perſon ſhall falſely or deceitfully obtain, or get into his hands or poſſeſſion, any money, goods, &c. of any other perſon, by colour, and means of any falſe privy token, or counterfeit letter, &c. and ſhall be convicted thereof, by examination of witneſſes, or confeſſion, at the aſſizes or ſeſſions, or by action in any court of record, he ſhall have ſuch puniſhment by impriſonment, pillory, or other corporal pain (except death) as the court ſhall appoint. Saving to the party grieved ſuch remedy, by action or otherwiſe, for the goods ſo obtained, as he might have had by the common law. And two juſtices (1 Q.) may call and convene, by proceſs or otherwiſe, to the aſſize or ſeſſions, any perſon ſuſpected, and commit or bail him to the next aſſizes or ſeſſions. 33 *H.* 8. *c.* 1. How provided againſt.

All perſons obtaining goods, money, or merchandize, by falſe pretences, ſhall be deemed offenders againſt the law, and the public peace; and the court, before whom any ſuch offender ſhall be tried, ſhall, on conviction, order them to be put in the pillory, or publickly whipped, or to be tranſported, as ſoon as conveniently may be, for ſeven years.—And if the party, charged as being the offender, ſhall be committed to priſon, or admitted to bail, to anſwer the matters complained of at the next ſeſſions or aſſizes, the juſtice ſhall bind over the proſecutor to appear and proſecute ſuch offender with effect; and if ſuch goods, ſo fraudulently obtained, appear to ſuch juſtice to exceed the value of 20l. the recognizance ſhall be in not leſs than double the value of the goods. 30 *G.* 2. *c.* 24. Falſe pretences.

For further particulars, ſee Pawning.

Characters of Servants.

32 G. 3. c. 56. Ill effects of false characters.

MANY false and counterfeit characters of servants having either been given personally, or in writing, by evil disposed persons being, or pretending to be, the master, mistress, retainer, or superintendant of such servants, or by persons who have actually retained such servants in their respective service, contrary to truth and justice, and to the peace and security of his majesty's subjects: and the evil herein complained of being not only difficult to be guarded against, but also of great magnitude, and continually increasing, and no sufficient remedy having hitherto been applied: From and after the first day of *July* 1792, if any person or persons shall falsely personate any master or mistress, or the executor, administrator, agent, or servant of any such master or mistress, and shall either personally, or in writing, give any false, forged or counterfeited character to any person offering him or herself to be hired as a servant into the service of any person or persons, every such person or persons so offending shall forfeit and undergo the penalty or punishment herein after mentioned.

Persons giving them liable to be punished.

Persons falsifying about servant's hiring,

If any person or persons shall knowingly and wilfully pretend, or falsely assert, in writing, that any servant has been hired or retained for any period of time whatsoever, or in any station or capacity whatsoever, other than that for which or in which he, she, or they shall have hired or retained such servant, such person or persons, so offending as aforesaid, shall forfeit and undergo the penalty and punishment herein-after mentioned.

or about servants' discharge.

If any person or persons shall knowingly and wilfully pretend, or falsely assert, in writing, that any servant was discharged or left his, her, or their service at any other time than that at which he or she was discharged or actually left such service, or that any such servant had not been hired or employed in any previous service, contrary to truth, then, and in either of the said cases, such person or persons shall forfeit and undergo the penalty or punishment herein-after mentioned.

Servants giving false accounts.

If any person shall offer himself or herself as a servant, asserting or pretending that he or she hath served in any service in which such servant shall not actually have served, or with a false, forged, or counterfeit certificate of his or her character, such person or persons shall forfeit and undergo the penalty or punishment herein-after mentioned.

Servants pretending not to have served.

If any person or persons having before been in service, shall, when offering to hire himself, herself, or themselves as a servant or servants in any service whatsoever, falsely and wilfully pretend not to have been hired or retained in any previous service

vice as a ſervant, ſuch perſon or perſons ſhall forfeit and undergo the penalty or puniſhment herein-after mentioned. 32 G. 3. c. 56.

If any perſon or perſons ſhall be convicted of any or either of the offence or offences aforeſaid, by his, her, or their confeſſion, or by the oath of one or more credible witneſs or witneſſes, before two or more juſtices of the peace for the county, &c. where the offence or offences ſhall have been committed, (which oath ſuch juſtices are hereby impowered and required to adminiſter), every ſuch offender or offenders ſhall forfeit the ſum of 20l. one moiety to the perſon informing, and the other moiety thereof for the uſe of the poor of the pariſh wherein the offence ſhall have been committed; perſons not paying the penalty with coſts, or not giving notice of appeal, &c. may be committed to the houſe of correction, or ſome other priſon of the county, &c. there to remain, and be kept to hard labour, without bail or mainprize, for any time not exceeding three months, nor leſs than one month, or until he or ſhe pay the ſaid ſum ſo forfeited, together with the coſts and charges.

Conviction before two juſtices. Penalty 20l. Application of penalty. Commitment if not paid.

The informer ſhall be deemed and taken to be a good and competent witneſs in law, notwithſtanding he ſhall be entitled to a part of the penalty.

Informers competent witneſſes.

Offenders diſcovering accomplices before information, ſhall be indemnified; if any ſervant or ſervants, who ſhall have been guilty of any of the offences aforeſaid, ſhall, before any information has been given or lodged againſt him, her, or them, for ſuch offence, diſcover and inform againſt any perſon or perſons concerned with him, her, or them, in any offence againſt this act, ſo as ſuch offender or offenders be convicted of ſuch offence in manner aforeſaid, every ſuch ſervant or ſervants, ſo diſcovering and informing, ſhall thereupon be diſcharged and indemnified of, from, and againſt all penalties and puniſhments, to which, at the time of ſuch information given, he, ſhe, or they might be liable by this act.

Offenders giving information, indemnified.

Juſtices may cauſe convictions to be drawn up in the following form:

Be it remembered, that on the day of in the year of our Lord *A. B.* is convicted before us two of his majeſty's juſtices of the peace for the county of [*ſpecifying the offence and the time and place when and where the ſame was committed, as the caſe ſhall be.*] Given under our hands and ſeals, the day and year aforeſaid.

Form of conviction.

Parties aggrieved may appeal to the quarter ſeſſion, where the matter may be finally determined in a ſummary way, and ſuch coſts awarded to the parties appealing or appealed againſt as the juſtices ſhall think proper; and no conviction or order ſhall be quaſhed for want of form, or be removed by certiorari.

Power of appeal.

Chelsea-Penſioners.

Chelſea penſioners' conduct pointed out.

ALL out-penſioners (as well lettermen as others) belonging to Chelſea hoſpital, and living at a greater diſtance than 25 miles from London, after every 25th of June and December, till further orders, are required forthwith to apply themſelves to one of his majeſty's juſtices of the peace in the neighbourhood where they reſide, and make the following affidavit, which the ſaid magiſtrate will ſign and date, viz.

came before me one of his majeſty's juſtices of the peace for the county of and made oath that he was admitted an out-penſioner of Chelſea-College, on the day of 17 from the regiment of commanded by was then aged about years.—The ſaid ſerved in the army years; was diſcharged for and is no otherwiſe provided for by the Government, but as a penſioner of the ſaid College; and now lives in the pariſh of in the county of Sworn before me this day of 17

To be put in a cover, and directed to the Right Hon. the Paymaſter General, Horſe-Guards, London.

☞ A duplicate or counterpart of the ſaid affidavit ſo ſigned and dated, is to be reſerved by the out-penſioners, and exhibited to the perſons appointed to pay them.

N. B. As it is probable that this matter may frequently come before a magiſtrate, the Editor has thought the above might with propriety be inſerted for his ſatisfaction, tho' not under the ſanction of a public act.

Chimney Sweepers.

28 *G.* 3. *c.* 48.

At what age bound.

BY this act, from and after the fifth day of July, 1788, churchwardens and overſeers of the poor, with conſent of two juſtices, may bind or put out any boy, who is of the age of eight years, or upwards, and who is chargeable, or whoſe parents are chargeable to the pariſh, or who ſhall beg for alms; or with the conſent of the parent or parents of ſuch boy, to be apprentice to any perſon exerciſing the trade of a chimney ſweeper, until ſuch boy ſhall attain to the age of 16 years; and ſuch binding ſhall be as effectual in the law, as if ſuch boy was of full age, and by indenture had bound himſelf an apprentice.

Age inſerted.

The age of the apprentice ſhall be inſerted in the indenture, being taken truly from the copy of the entry in the pariſh regiſter, where the ſame may be had, atteſted by the miniſter of ſuch pariſh, without fee or reward, upon paper or parchment,

ment, without any ſtamp or mark; and where no ſuch of ſuch boy being baptized can be had, ſuch juſtices of eace ſhall, as fully as they can, inform themſelves of his and from ſuch information ſhall inſert the ſame in the ndenture, and the age of ſuch boy or boys, ſo inſerted e ſaid indenture, ſhall be taken to be his true age. 28 G. 3. c. 48.

he indenture ſhall be made and written out according to form in the ſchedule hereunto annexed, and the ſame not be charged with or liable to the payment of any er ſtamp duty, than is now charged upon indentures for ing out poor children by their reſpective pariſhes. Duty as of pariſh indenture.

l indentures hereafter to be made for taking any boy as pprentice or ſervant employed as a climbing boy or chim- weeper, who ſhall be under the age of eight years, ſhall bſolutely void; and every perſon who ſhall from hence- take or keep any ſuch boy as an apprentice or ſervant oyed as a climbing boy or chimney ſweeper, who ſhall nder the age of eight years, and being convicted thereof, forfeit for every ſuch apprentice or ſervant, any ſum not eding 10l. nor leſs than 5l. In what caſe void.

he overſeers of the poor of every townſhip or village ſhall may from time to time, within ſuch townſhip, perform execute all the acts hereby directed to be done or executed he churchwardens or overſeers of the poor of a pariſh or . Overſeers may act alone.

ne or more juſtice or juſtices may hear and determine plaints between maſters and apprentices, and may make orders therein reſpectively, as he or they is or are now led by law to do in other caſes between maſters and ap- tices. One juſtice may hear and determine.

o perſon exerciſing the trade of a chimney ſweeper, ſhall n or employ any more than ſix apprentices at one and the time; and the name of every perſon ſo taking an ap- tice, and alſo the place of his or her abode, ſhall be ked or put upon a braſs plate, to be ſet or affixed in the of a leathern cap, which every maſter or miſtreſs ſhall ide for each ſuch apprentice, and which he ſhall wear n out upon his duty; and every maſter or miſtreſs ſhall it for every apprentice ſo retained or employed by him r beyond the number limited by this act, or for neglect- o provide every ſuch apprentice with ſuch leathern cap, braſs plate to be ſo affixed thereupon, and marked with r her name and place of abode as aforeſaid, any ſum not eding 10l. nor leſs than 5l. Limited number of apprentices. Braſs plate.

any ſuch maſter or miſtreſs ſhall miſuſe or evil treat his r apprentice, or if the ſaid apprentice ſhall have any juſt to complain of the breach of any of the covenants in indenture, ſuch maſter or miſtreſs, being convicted there- hall forfeit for every ſuch offence, not exceeding 10l. nor than 5l. Ill treatment of apprentice.

No

Not to be let out to hire.

No chimney ſweeper ſhall let out to hire, or lend by day or otherwiſe, to any other perſon for the purpoſe ſweeping chimneys, any apprentice; nor ſhall cauſe ſuch or boys to call the ſtreets before ſeven of the clock in

Time of calling.

morning, nor after twelve of the clock at noon, betw Michaelmas and Lady-Day, nor before five of the cloc the morning, nor after twelve of the clock at noon, betw Lady-Day and Michaelmas, on pain of forfeiting for e ſuch offence, any ſum not exceeding 10l. nor leſs than 5l.

Convictions before whom.

All convictions for penalties, impoſed by this act, ſha made before one or more juſtice or juſtices of the peace a for the county, city, town, or diviſion, where ſuch offe was committed, either by confeſſion of the offender, or v the oath of one or more credible witneſs or witneſſes; juſtice or juſtices, upon complaint made to him or them th of, may ſummon the perſon or perſons ſo offending before or them, to anſwer ſuch complaint, in ſuch manner a or they is and are authorized to do, in any other matter nizable before a magiſtrate.

Application of penalties.

All penalties and forfeitures for any offence, neglect, default againſt this act, ſhall be levied by diſtreſs and ſal the goods of the offender, by warrant under the hand ſeal of one or more ſuch juſtice or juſtices of the peace, wh ſuch offence, neglect, or default ſhall happen; render the overplus, if any, to the party, after deducting the cha of making the ſame; and the penalties and forfeitures, c and charges, ſhall be paid, the one half to the inform and the other half to the overſeers of the poor of the pari &c. where the maſter or miſtreſs of ſuch apprentice ſh dwell; and in caſe ſuch diſtreſs cannot be found, and ſ penalties and forfeitures, or the ſaid coſts and charges ſhall be forthwith paid, ſuch juſtice or juſtices, by warrant und his or their hand and ſeal, or hands and ſeals, may comm ſuch offender to the common gaol or houſe of correction, any time not exceeding three months, unleſs the ſaid pen ties, coſts or charges, ſhall be ſooner paid.

Warrant of diſtreſs.

No warrant of diſtreſs ſhall be iſſued until ſix days after conviction; nor ſhall any diſtreſs be deemed unlawful f want of form, in any proceedings relating thereto.

No plaintiff ſhall recover for any irregularity, if tender ſufficient amends ſhall have been made.

The juſtice or juſtices of the peace where the offence ſha be committed, is and are hereby impowered to adminiſter t oaths by this act required to be taken.

Power of Appeal.

Any perſon aggrieved by any thing done by any juſtice juſtices of the peace, in purſuance of this act, may appeal the juſtices of the peace at the next general or quarter-ſeſſion of the peace to be holden for the county, &c. wherein th cauſe of ſuch complaint ſhall ariſe, having firſt entered int a recognizance, with ſufficient ſurety, before ſuch juſtices, protecu

ecute and abide by the order that ſhall be made on ſuch al, and alſo giving to the ſaid juſtice notice in writing of r her intention to bring ſuch appeal, and of the matter eof, within ſix days after the cauſe of ſuch complaint ſhall e ariſen.

The Schedule to which the Act refers.

his indenture made the day of
he year of the reign of our ſovereign Lord Form of Indenture.
rge the Third, by the grace of God, of Great-Britain, nce, and Ireland, King, Defender of the Faith, &c. and he year of our Lord
veen A. B. and C. D. churchwardens and overſeers of the of the pariſh of in the county of [or E. F. the father or next friend of boy to be placed out, as the caſe may be] of the one part: of the pariſh of
he county of chimney ſweeper, of the r part: Witneſſeth, that the ſaid churchwardens and ſeers of the poor [or the ſaid E. F. as the caſe may be] and with the conſent and approbation of G. H. and . two of his majeſty's juſtices of the peace acting in and he county, riding, city, town, borough, or diviſion [as caſe may be] ſignified as hereunder written, have bound, and by theſe preſents do put and bind a poor boy of the ſaid pa-, townſhip, or place, being of the age of years [as caſe may be] to be apprentice to the ſaid he being his firſt, ſecond, third, fourth, fifth, ixth apprentice [as the caſe may be] to learn the trade, neſs, art and myſtery of a chimney ſweeper, and with [or her] to dwell, remain, and ſerve from the day of the of theſe preſents, for and during the term of years, n hence next enſuing, fully to be compleat and ended, ing all which time he the ſaid apprentice, ſaid maſter [or miſtreſs] faithfully ſhall ſerve and obey, [or her] ſecrets keep, and his [or her] lawful commands y where gladly do and perform; he ſhall not haunt ale-ſes or gaming-houſes, nor abſent himſelf from the ſervice is ſaid maſter [or miſtreſs] day or night, without his [or leave, but in all things as a faithful apprentice ſhall be-himſelf towards his ſaid maſter [or miſtreſs] and all his her's] during the ſaid term: And the ſaid in conſideration of the good will which he [or hath and beareth towards the ſaid apprentice, and of the nful ſervice ſo to be performed by him, doth hereby co-ant, promiſe, and agree with the ſaid churchwardens and ſeers of the poor [or the ſaid E. F. as the caſe may be] he [or ſhe] the ſaid his [or her] apprentice, in the art or myſtery of a chimney ſweeper, which

which he [or ſhe] now uſeth, ſhall and will teach and inſt
or cauſe to be taught and inſtructed, in the beſt manner
he [or ſhe] can, and ſhall and will provide and allow
the ſaid apprentice, during all the ſaid term, competent
ſufficient meat, drink, waſhing, lodging, apparel, and
other things neceſſary for the ſaid apprentice; and that
ſaid executors, adminiſtrators
aſſigns, ſhall not nor will aſſign over this preſent indent
or the apprentice to be bound thereby, without the con
and approbation, in writing, of two or more ſuch juſ
of the peace, to be ſignified according to the form of
approbation hereunder written. And whereas, from
nature of the buſineſs or employment of a chimney ſwee
it is neceſſary for the boys, employed in climbing, to ha
dreſs particularly ſuited to that purpoſe, which dreſs is
fit for that part of the occupation; the ſaid
doth hereby alſo covenant, promiſe, and agr
and with the ſaid churchwardens and overſeers of the p
[or the ſaid E. F. as the caſe may be] to find and allow
ſuitable dreſs for the ſaid apprentice, as often as need or
caſion ſhall be and require, and provide for and deliver to
ſaid apprentice, once in every year at leaſt, during the
aforeſaid, over above the ſaid dreſs proper for climb
one whole and compleat ſuit of cloathing, with ſuitable li
ſtockings, hats, and ſhoes: and further, that the ſaid
ſhall and will, at leaſt once in every w
cauſe the ſaid apprentice to be thoroughly cleanſed from
and dirt, and ſhall and will require the ſaid apprentice t
tend the public worſhip of God on the Sabbath-day, and
mit and allow him to receive the benefit of any other relig
inſtruction; and that the ſaid apprentice ſhall not wear
ſweeping dreſs on that day: and that the ſaid
ſhall not, nor will compel or oblige the
apprentice to call the ſtreets, or any other places, befor
ven of the clock in the morning, nor after twelve of the c
at noon, between Michaelmas and Lady-day, nor before
of the clock in the morning, nor after twelve of the cloc
noon, between Lady-day and Michaelmas; and that the
ſhall not, nor will at any t
during the ſaid term, let out his [or her] ſaid apprentice
hire by the day, night, or otherwiſe, to any other perſo
perſons exerciſing or uſing the ſaid trade, nor ſhall the
or any perſon or perſons wh
ſoever by his [or her] directions, require or force him
ſaid apprentice to climb or go up any chimney which
be actually on fire, nor make uſe of any violent or impr
means to force him to climb or go up any ſuch chimney t
ſhall in all things treat his [or her] ſaid apprentice wit
much humanity and care as the nature of the employment
a chimney ſweeper will admit of. In witneſs, &c.

We, the above named G. H. and I. R. two of his majeſ- 23 *G.* 3. *c.* 48.
s juſtices of the peace acting in and for the county, riding, Form of approbation by two
yn, borough, or diviſion [as the caſe may be] having in- juſtices.
ſted and examined the above-named
[the boy to be placed out or aſſigned over] do
reby conſent to and approve of his being bound [or aſ-
ned over] as an apprentice to the above-named
[the maſter or miſtreſs] according to the
ms and ſtipulations expreſſed in the above written inden-
re.

Church *and* Church-Yard.

N cities and towns corporate, the biſhop (with the conſent 17 *Car.* 2. *c.* 3.
of the mayor, aldermen, and juſtices of the peace, and of
e patron) may unite two churches or chapels; and make or- Uniting of churches.
r, with the like conſent, that the patrons preſent by turns,
ving regard to the value of the living united; and the in-
mbents thereof ſhall be graduates.

No fairs nor markets ſhall be kept in church-yards. 12 *Ed.* 1.
any perſon ſhall, by words only, quarrel, chide, or brawl, No fairs or markets in church-yards.
any church or church-yard, the ordinary (on proof of two 5 & 6 *Ed.* 6.
tneſſes) may ſuſpend every layman, being an offender, *ab* *c.* 4.
greſſu eccleſiæ; and every clergyman from the miniſtration of
s office, ſo long as he ſhall think meet.—If any ſhall ſmite, No quarrels in church or church-yards.
lay violent hands on another in any church or church-yard,
ſhall be deemed, *ipſo facto*, excommunicate, and be ex-
uded from the fellowſhip and company of Chriſt's congrega-
on. And if convicted thereof, or even of drawing any wea-
on with intent to ſtrike, by verdict of 12 men, or confeſſion,
by two witneſſes, before the judges of aſſize, or juſtices of
e peace in their ſeſſions, he ſhall be adjudged to have one of
s ears cut off; *and if he have no ears*, he ſhall be burned in Penalty, loſs of an ear, *if he has any*, and excommunication.
e cheek with a hot iron, having the letter F. whereby he
ay be known and taken for a Fray-maker and Fighter; and
ſhall alſo ſtand, *ipſo facto*, excommunicate.

He, who ſteals goods belonging to a pariſh-church, may be
dicted for ſtealing the goods of the pariſhioners.

Churchwardens.

CHURCHWARDENS ſhall be choſen annually in Eaſter- 1 *Hawk.* 94. *Can.* 89.
week, by the joint conſent of the miniſter and pariſhi- When choſen, and by whom appointed.
ners; or the miniſter ſhall chuſe one, and the pariſhioners an-
ther.

Gibs. Codex, 242. Perſons exempted.

But if there is a cuſtom for the pariſhioners to chuſe both, that cuſtom ſhall continue.

2 *Roll's Abr.* 272.

A counſellor or attorney ought not to be choſen churchwarden; and if he is, he may have a prohibition, by reaſon of his attendance on the courts at Weſtminſter.

6 *W.* c. 4.

Apothecaries, who have ſerved ſeven years, ſhall be exempted from the office of churchwarden.

18 G. 2. c. 15.

Freemen of the corporation of ſurgeons in London are exempted.

1 *W.* c. 18.

Alſo diſſenting teachers or preachers, in holy orders, or pretended holy orders.

10 & 11 *W.* c. 23.

All perſons, who have proſecuted a felon to conviction, and the firſt aſſignee of the certificate thereof, are exempted.

2 *G.* 3. c. 20.

No private man, perſonally ſerving for himſelf in the militia, during the time of ſuch ſervice, ſhall be liable to ſerve as churchwarden.

Gibs. 243.

A perſon choſen churchwarden, refuſing to take his office, and oath, may be excommunicated for the refuſal; and no prohibition will lie.

5 Co. 67. *Par. L.* 54. Church rates. By whom made.

The rates muſt be made with the conſent of the major part of the pariſhioners, houſekeepers, or occupiers of land.—In order to which, public notice of a veſtry ought to be given the Sunday before, either in the church after divine ſervice is ended, or elſe at the church-door as the pariſhioners come out.

Wood, b. 1. c. 7.

Thoſe that pay no church rates, ſhall have no vote in affairs relating to it, except it be the rector or vicar.

Par. L. 55. Pariſh-book of accounts.

It is moſt convenient, that every pariſh act there be entered in the pariſh-books of accounts, and every man's hand conſenting to it be ſet thereto; for then it will be a certain rule for the churchwardens to go by.

5 Co. 67. Church Repairs.

The rates for the repair of the church ſhall be laid upon every occupier of lands in the pariſh, altho' ſuch occupier live in another pariſh.

Degge 172. Appeal againſt Rate.

If any perſon find himſelf aggrieved at the inequality of the aſſeſſment, his appeal muſt be to the eccleſiaſtical judge.

Gibſ. 219. *Degge* 171. Quaker refuſing.

If any refuſe to pay the rates, being demanded by the churchwardens, they are to be ſued for them in the eccleſiaſtical courts.

A quaker, refuſing to pay church rates, may be ſued, as other pariſhioners' in the eccleſiaſtical court; or he may be proſecuted before the juſtices of the peace, in the ſame manner as for his tithes.

Soil of the Church. Repair of it. Diſpoſal of ſeats.

The ſoil and freehold of the church is the parſon's; the uſe of the body of the church, and the repair of it, common to the pariſhioners, and the diſpoſing of the ſeats the right of the ordinary.

43 *El.* c. 2. Churchwarden, overſeer. *Gibſ.* 243. Oath abridged.

Every churchwarden is an overſeer of the poor, although every overſeer of the poor is not a churchwarden.

The churchwardens' oath, as agreed on between the civilians and common lawyers.

You ſhall ſwear truly and faithfully to execute the office of a churchwarden within your pariſh, and, according to the beſt of your will and knowledge, preſent ſuch things and perſons, as to your knowledge are preſentable by the laws eccleſiaſtical of this realm. So help you God, and the contents of this book.

The churchwarden, or the conſtable, ſhall levy the penalties for perſons exerciſing their worldly calling on the Lord's day. — 29 C. 2. c. 7. May act as conſtable.

The churchwardens ſhall ſee the pariſhioners reſort to church, and continue there orderly, during divine ſervice; and ſhall preſent the defaulters. — *Can.* 90. Abſentees from Church to be preſented, and to be fined.

They ſhall levy the forfeiture of 12d. a Sunday, on the goods of perſons not coming to church. — 1 *El.* c. 2.

They ſhall collect money on charity briefs, on pain of 20l. — Briefs.

They ſhall not ſuffer any idle perſons to abide either in the church-yard or church-porch, during the time of divine ſervice, or preaching; but ſhall cauſe them to come in, or to depart. — 4 *An.* c. 14. *Can.* 19. Idle perſons to be noticed.

They ſhall, at the charge of the pariſh, with the advice and direction of the miniſter, provide bread and wine againſt the communion. — *Can.* 20. Bread and wine to be provided. 9 & 10 *W.* c. 27.

They ſhall carry hawkers and pedlars trading without licence, before a juſtice of the peace. — Hawkers and Pedlars.

At the end of the year, or within a month after at moſt, they ſhall, before the miniſter and pariſhioners, at a veſtry, give up a juſt account of ſuch money as they have received, and alſo what they have particularly beſtowed in reparations, and otherwiſe, for the uſe of the church; and ſhall deliver up to the pariſhioners the money and pariſh goods in their hands, to be delivered over by them to the next churchwardens. — *Can.* 89. Render accounts.

Clergy.

CLERGYMEN are liable to the poor rates, for their glebe and tithe. — 43 *El.* c. 2. For what liable to rates.

No clergyman ſhall take to farm any lands (except he have not ſufficient glebe for the expences of his houſhold); on pain of 10l. a month, half to the king, and half to him that ſhall ſue. No clergyman ſhall buy to ſell again any cattle, corn, or any merchandize; on pain of treble value, half to the king, and half to him that ſhall ſue: and the contract ſhall be void. — 21 *H.* 8. c. 13. Prohibited to farm.

Benefit of Clergy.

ANCIENTLY princes and ſtates, converted to Chriſtianity, did grant to the clergy very bountiful privileges and exemptions; and particularly, an exemption of their perſons — Exemption of clergy from criminal proſecutions.

sons from criminal proceedings, in some capital cases be- secular judges; which was the true original of the benefi clergy. But this claim of exemption grew so burdenso that it was from time to time qualified and abridged by

Qualified and abridged.

civil power; and therefore, if they were indicted in cases c minal, but not capital, nor wherein they were to lose life limb, there the privilege of clergy was not allowed; and the fore not in indictments of trespass or petit larceny. Alt was not allowed them in high treason.

2 *H. H.* 335.

If the statute enacts generally, that it shall be felony wi out benefit of clergy, or that he shall suffer as in case of felo

When excluded.

without benefit of clergy, this excludes it in all circumstanc and to all intents.

19 *G.* 3. *c.* 47.

When any person shall be convicted of any felony within benefit of clergy, for which he shall be liable to be burned the hand, the court may, if they think fit, instead there impose upon the offender a moderate pecuniary fine; or oth wise, instead of such burning, in any of the cases aforesa except manslaughter, may order the offender to be once, oftner, but not more than thrice, either publicly or privat whipped, such private whipping to be in the presence of n less than two persons, besides the offender and officer who i flicts the same; and in case of female offenders, in the prese of females only. Provided, that this shall not extend to d prive the court of the power now vested in them, of detaini such offender in prison for any time not exceeding one ye or of committing him to the house of correction or other pub lic workhouse, to be kept to hard labour for any time not l than six months, nor exceeding two years.

Fine instead of branding.

Power of commitment retained.

2 *H. H.* 388.

A person admitted to his clergy, forfeits all his goods th he hath at the time of the conviction. But presently, upo his burning in the hand, he ought to be restored to the poss sion of his lands, and from thenceforth to enjoy the profi thereof.

Goods forfeited and restored.

2 *Haw.* 365.

And it is holden, that after a man is admitted to his clergy it is actionable to call him felon; because his offence bein pardoned by the statute, all the infamy, and other consequen ces of it, are discharged.

Clerk of the Peace.

7 *W. c.* 21.

THE *custos rotulorum* shall appoint an able and sufficient person, residing in the county or division, to execute th office of clerk of the peace.

By whom appointed.

Id.

But shall not sell the place of clerk of the peace, or take any bond or other assurance to receive any reward, fee, or profit, directly or indirectly, for such appointment.

Office may not be sold.

1 *W. c.* 21.

Every clerk of the peace, before he enters upon the execu-

tion

of his office, ſhall in open ſeſſions take the oath follow-

I, *A. B.* do ſwear, that I have not, nor will pay any ſum Oath.
r ſums of money, or other reward whatſoever, nor give any
ond or other aſſurance to pay any money, fee, or profit,
irectly or indirectly, to any perſon or perſons whomſoever,
or ſuch nomination and appointment: So help me God."
e ſhall moreover take the oaths of allegiance, ſupremacy,
abjuration, and perform the other requiſites, as other per-
who qualify for offices.

he clerk of the peace ſhall certify into the king's bench, 34 & 35 *H.* 8.
names of ſuch as be outlawed, attainted, or convicted of *c.* 14.
ny. Outlaws, &c. certified.

e ſhall deliver to the ſheriff, within twenty days after Sep- 22 & 23 *C.* 2.
ber 29, yearly, a perfect eſtreat or ſchedule of all fines, and *c.* 22.
r forfeitures in ſeſſions. And ſhall alſo yearly, on or be- Schedule of
the ſecond Monday after the morrow of All Souls, deliver fines to be deli-
the court of exchequer, upon oath, a perfect duplicate, vered.
certificate, of all ſuch eſtreats and ſchedules delivered to
ſheriffs; on pain of 50l. half to the king, and half to him
ſhall ſue.

any clerk of the peace ſhall miſdemean himſelf in the exe- 1 *W.* *c.* 21.
on of his office, and thereupon a complaint and charge in
ing of ſuch miſdemeanor ſhall be exhibited againſt him, to Penalty for miſ-
juſtices in ſeſſions, the ſaid juſtices may, on examination conduct.
due proof thereof openly in the ſaid ſeſſions, ſuſpend or
harge him from the ſaid office; and in ſuch caſe, the *cuſtos*
lorum ſhall appoint another able and ſufficient perſon, re-
ng in the ſaid county or diviſion, to be clerk of the peace.
d in caſe of refuſal or neglect to make ſuch appointment, By whom va-
ore the next general quarter ſeſſions, the juſtices in ſeſſions cancy to be
y appoint one. ſupplied.

Coaches.

OR every coach, berlin, landau, chariot, calaſh, with four 26 *G.* 3. *c.* 34.
wheels, chaiſe marine, chaiſe with four wheels, and cara-
, kept by any perſon for his own uſe, or employed in carry- Annual tax.
paſſengers for hire, ſhall be paid yearly the ſum of 5l.—
the ſaid rates and duties, and all forfeitures and offences,
ll be determined by the commiſſioners of exciſe (or of ap- Commiſſioner's
als, in caſe of appeal) within the limits of the chief office in duty.
ndon; and elſewhere, by two juſtices near; who ſhall, on Juſtices' duty.
mplaint upon oath, ſummon the party; and, on his appear-
ce or contempt, may examine the fact, and on proof thereof,
her by confeſſion, or oath of one witneſs, give judgment,
d iſſue warrants for levying penalties by diſtreſs and ſale (if
t redeemed in 14 days); which ſhall be employed (all ne- Application of
ceſſary penalty.

ceſſary charges firſt deducted*) half to the uſe of the king, half to the informer: And for want of ſufficient diſtreſs, may impriſon the party till ſatisfaction is made.

How long diſtreſs may be detained.

But if the juſtices will proceed, or ſhall be compelled *mandamus*, or otherwiſe, ſo to do; they muſt remember that, by the 27 *G.* 2. *c.* 20, they may not order the diſtreſs be detained more than eight days, nor leſs than four.

Appeal, if aggrieved.

Perſons aggrieved by the determination of the juſtices, appeal to the next quarter-ſeſſions.

25 *G.* 3. *c.* 47. Additional duty.

For every coach, landau, or other four-wheeled carriage (except hackney coaches) ſhall be paid from July 5, 1785, ſum of 7*l.* per annum; for every calaſh, chaiſe, or other carriage, with two or three wheels, 3*l.* 10*s.* per annum.

29 *G.* 3. *c.* 45.

Every carriage, with two or three wheels, by whatever they are now or hereafter may be called, drawn by one or horſes, which ſhall be uſed at any time for the carriage or veyance of perſons, and not generally in the affairs of bandry, merchandize, or for the carriage of goods, &c. be deemed a carriage within the meaning of the act of the *G.* 3, and paid for accordingly, under a penalty of 7*l.* every carriage ſo uſed.

Transferring act.

The duties to be no longer under the management of miſſioners of exciſe and of ſtamps, but under the manage of the commiſſioners for the affairs of taxes.

Coach-Makers.

25 *G.* 3. *c.* 49.

EVERY coach-maker in Great-Britain is required to out a licence annually, paying 20*s.* for the ſame.

License to be taken out. Penalty for neglect.

No coach, chaiſe, &c. is to be made (on a penalty of till the maker has taken out ſuch licence either at the exc office in London, or under the hands and ſeals of the col tors and ſupervifors of exciſe in their reſpective diſtricts, whom the duties ſhall be paid: In Scotland, either at E burgh, or where the commiſſioners of exciſe in Scotland appoint.

Licence renewed.

The licence is to be renewed ten days before the expir of the preceding one.

Not more than one licence is to be taken out for one ho

On the death of any licenſed coach-maker, the execu wife, or child, may act by virtue of ſuch licence to the piration of the term.

A duty of 20*s.* is to be paid for every four-wheeled, an 10*s.* for every two-wheeled carriage made for ſale; and an

Account of carriages made and ſold.

count is to be delivered by every coach-maker, on oath, ſix weeks, of every carriage made and ſold; and all the d for ſuch carriages ſhall be paid off to the commiſſioners, Lond

* The ſame diſtribution ſhall be made of the penalties for other offen this kind, in the articles of Candles, Tea, Coffee, Glaſs, &c.

don or Edinburgh; and in other places, to the collector supervisor of excise within the district (who is hereby empowered to administer the oath), on penalty of such coach-maker's forfeiting 20l.

The penalties and forfeitures are to be recovered in any of his Majesty's courts of record at Westminster, or if incurred in Scotland, in the courts of exchequer there. To be determined, if within the limits of the chief office of excise in London, by any three or more commissioners of excise; and in case of appeal by the commissioners of appeals for the time being, whose judgment shall be final; in all other parts of Great Britain by two neighbouring justices; from whom the party aggrieved may appeal to the quarter-sessions. The commissioners or justices, on complaint or information upon oath, which they are hereby authorised to administer, are to summon the party accused, and on appearance, or contempt of the person summoned, upon due proof by one or more credible witness, to hear, and give judgment thereon, and issue warrants of distress, if need be, and cause sale to be made, if not redeemed within 14 days, rendering the overplus, if any, or imprison the party offending till satisfaction be made.

Penalty, where recovered.

And before whom.

The duties appointed by this act, as well on licences as on carriages newly made, are to be paid into his Majesty's Exchequer.

Duties, where paid.

No action or suit shall be commenced, but within three months next after the offence, nor any where but in the same county, and treble costs shall be allowed the defendant, if a verdict shall be given in his favour.

Suit, when and where commenced.

N. B. No direction seems given in this act for the application of the penalties; nor any recompence assigned to the person bringing forward a complaint or information.

Coals.

IF, after the admeasurement thereof by the commissioners appointed for that purpose, the marks shall be removed or altered; every person who had a hand in, or was privy to the doing thereof, shall, on conviction upon the oath of one witness before one justice, forfeit 10l. by distress, half to the king, and half to the discoverer; and for want of distress, shall be committed to the common gaol for three months.

15 G. 3. c. 27. Penalty for altering or removing marks of admeasurement.

This act relates to Westminster, and to several parishes in the county of Middlesex, and to a part of the Duchy of Lancaster, adjoining to the city and liberty of Westminster, in which a coal meters' office is to be erected, and two managers appointed; to be sworn before two justices, faithfully to perform their duty; such oaths to be certified by the justices to the next general quarter sessions for the county of Middlesex.

19 G. 2. c. 35. Merchant coal meters office erected. Oath before two justices.

Any lighterman breaking bulk in the absence of a meter, or the

Penalty for breaking bulk.

the conſumer, or of his agent, ſhall forfeit, for every
fence, 5l.

The ticket for the ſeller or conſumer.

The ſeller is to pay 4d. per chaldron to the coal meter, w
ſhall thereupon deliver a ticket, deſcribing the quantity, q
lity, and price of the coals, to the ſeller or carman, for
conſumer: Such metage to be allowed to the ſeller; and
ticket to be delivered by the carman, on pain of forfeiting
for neglecting to do it.

Penalty of no ticket.

The venders and the driver of the cart ſhall forfeit, for
ling and carrying more than eight buſhels of coals without
ticket, the former 50l. the latter 5l.

Penalty of falſe ticket.

The penalty for falſe meaſure, or a falſe ticket, is 5l.
conviction before one juſtice, on the oath of two or more c
dible witneſſes.

Fire engine excepted.

This act ſhall not extend to the owners of works for raiſ
water by fire, &c. See the act.

Penalty for coals unmeaſured.

Labouring coal meters, permitting above eight buſhels to
ſold unmeaſured, ſhall forfeit 5l.

Coal meters' pay.

Dealers giving, and labouring coal meters receiving m
than 4d. per chaldron, ſhall forfeit 5l.

Fraud in coal cart driver.

Every driver of a cart, convicted of fraud on the delivery
the coals, ſhall forfeit 5l. by 32 *G.* 2. *c.* 27. or he ſhall be p
licly whipt, or impriſoned for three months.

32 *G.* 2. *c.* 27. Coals may be re-meaſured.

Perſons who are diſſatisfied may, on giving notice to
ſeller of the coals, or the driver of the cart, have them re-m
ſured, paying 4d. per chaldron, and the deficiency ſhall be m
good by the ſeller, who ſhall pay 40s. for every buſhel defici
in meaſure.

Merchant may not be meter.

No perſon dealing in coals ſhall be capable of acting a
coal meter.

Penalties, how levied and applied.

All forfeitures and penalties exceeding 5l. ſhall be recove
in his Majeſty's court at Weſtminſter, by action of debt or
formation, one moiety for the uſe of his Majeſty, and the ot
of the informers. All other penalties ſhall be recovered by
of complaint, before one or two juſtices for Weſtminſter, or
county of Middleſex; one moiety for the uſe of the informe
and the other moiety for the poor of the pariſh in which
offence is committed; in default of payment, to be levied
diſtreſs; for want of diſtreſs, the offender to be committed
the houſe of correction for not more than thirty days, nor
than fourteen days, there to remain, and be kept to hard labo

Power of appeal.

Perſons aggrieved, may appeal to the general quarter
ſions of the peace next after ſuch conviction, which convict
ſhall not be quaſhed for want of form only.

N. B. This act, which was to be in force for three years,
continued by 24. *G.* 2. and by other ſubſequent acts, to
24, 1795.

23 *G.* 2. *c.* 26. Coal meters required to attend.

The principal land coal meters neglecting to ſtation labo
ing coal meters, ſhall forfeit 40s.; ſuch penalties to be levi
and applied, as directed by the former act, as above:

21 *G.* 3. *c.* 35. theſe penalties ſhall not be inflicted, unleſs tice in writing ſhall be left at the coal meter's office ſix hours fore any parcel of coals is required by the buyer to be aſured, ſpecifying the wharf at which the attendance of the al meter is requeſted.

Three juſtices are empowered to regulate the retail price of als in any part of England, allowing a competent profit to e retailers. And, on the owner's refuſal, may order proper icers, with a conſtable, to enter and ſell the coals, at ſuch aſonable rates as have been agreed on; rendering the money harges deducted) to the owner. 17 *G.* 2. *c.* 35. In regulation of price.

Coin.

ONE juſtice, on complaint upon oath that there is juſt cauſe to ſuſpect, that any perſon hath been concerned in counfeiting the copper monies of this realm, may, by his warnt, cauſe the dwelling-houſe, room, workſhop, &c. belongg to ſuch ſuſpected perſon, to be ſearched for tools and imements for coining ſuch copper monies: and if any ſuch ols or implements ſhall be found hid or concealed in any ce ſo ſearched, it ſhall be lawful for any perſon whatſoever ſcovering the ſame, to ſeize ſuch tools or implements, and ry the ſame forthwith to a juſtice, who ſhall cauſe the ſame be ſecured and produced in evidence againſt any perſon, o ſhall be proſecuted for any of the offences aforeſaid; and er they ſhall have been produced in evidence, the ſame, and other ſo ſeized, ſhall forthwith, by order of the court, or by der of the juſtice, if there ſhall be no trial, be defaced and ſtroyed, or otherwiſe diſpoſed of, as ſuch court or juſtice all direct. 11 *G.* 3. *c.* 40. Tools to be ſeized. Defaced and deſtroyed.

If any perſon ſhall, for gain, impair, diminiſh, or falſify the oper coin of this kingdom, he ſhall be guilty of treaſon. 18 *El.* *c.* 1. Coining, &c. treaſon.

If any perſon ſhall colour, gild, or caſe over with gold or ver, any coin reſembling the current coin of this kingdom, , his aiders and abettors, ſhall be guilty of high treaſon. 8 & 9 *W.* *c.* 26. Colouring, &c. treaſon.

roſecution to be in three months.

If any perſon ſhall waſh, gild, or colour any ſilver coin, to ake it reſemble a guinea or half guinea, he, his counſellors, ders, and abettors, ſhall be guilty of high treaſon. Proſetion to be in ſix months. 15 & 16 *G.* 2. *c.* 28. Waſhing and gilding ſilver treaſon.

If any perſon ſhall counterfeit gold or ſilver, that is not the oper coin of this realm, he, his procurers, aiders, and bettors, ſhall be guilty of miſpriſion of high treaſon. 14 *El.* *c.* 3. Counterfeiting, miſpriſion of treaſon.

If any perſon ſhall bring falſe money into the realm, knowg the ſame to be falſe, in deceit of the king and his people, ſhall be guilty of high treaſon. 25 *Ed.* 3. *c.* 2 Falſe money brought into the realm.

If any preſs for coinage ſhall be found in the cuſtody of any 7 & 8 *W.* *c.* 19.

Penalty on having a coining preſs.

perſon (other than the officers of the mint), it ſhall be ſeiz for the king's uſe; and every perſon, in whoſe cuſtody ſu preſs ſhall be found, ſhall forfeit 500l. half to the king, a half to the informer.

6 & 7 W. c. 17. Clippings or filings.

If any perſon ſhall buy or ſell, and knowingly have in h cuſtody or poſſeſſion, any clippings or filings of the curre coin of this kingdom, he ſhall forfeit the ſame, and alſo 500 half to the king, and half to the informer; and ſhall be bran ed on the right cheek with the letter R, and be impriſon till the payment of the 500l.

Who may enter a ſuſpected houſe. To ſearch for bullion. What, when found.

The warden of the company of goldſmiths, with two of t court of aſſiſtants within the bills, and two juſtices elſewhe may enter into the houſe, room, or workſhop of any perſ ſuſpected, and, with the help of a conſtable, may break op any door, box, &c. to ſearch for bullion ſuſpected to be co cealed; and if found, they ſhall ſeize the ſame, and the perſ in whoſe poſſeſſion it ſhall be found: And the ſaid warden aſſiſtants, and conſtables, ſhall carry him before the next ju tice, which one juſtice within the bills, and the ſaid two ju tices elſewhere, may examine him; and if he ſhall not prov by the oath of himſelf, or of a credible witneſs, that it is law ful ſilver, and was not before melting current coin, nor clip pings thereof, he ſhall be committed; and if on his trial h ſhall not prove the ſame by one witneſs, he ſhall be impriſon ed ſix months.

9 G. 3. c. 37. Paying the poor in baſe money.

If any churchwarden or overſeer of the poor, or perſon au thoriſed by him, ſhall make any payments to the poor in an baſe or counterfeit money, one juſtice, on complaint, may ſum mon the offender, and, on proof of the offence, by the oath o one witneſs, may adjudge him to forfeit not leſs than 10s. no more than 20s. to be levied by diſtreſs, and to be applied t the uſe of the poor.

9 & 10 W. c. 21. 13 G. 3. c. 71. Counterfeit money to be defaced or cut.

Any perſon to whom any ſilver or gold money ſhall be ten dered, that he ſhall ſuſpect to be counterfeit, may cut, break or deface ſuch piece; and if it ſhall appear to be a counterfeit the perſon tendering the ſame, ſhall bear the loſs thereof; but if the ſame ſhall appear to be lawful money, the perſon that cut, broke, or defaced the ſame, ſhall receive the ſame at the value it was coined for. And if any queſtion ariſe, whether the piece ſo cut be counterfeit, it ſhall be determined by the next juſtice of the peace, or chief magiſtrate in a corporation.

Doubt, how determined.

3 Ed. 1. c. 15. 1 H. H. 372. 1 H. H. 318, 328

Perſons taken for coining falſe money, are not bailable by juſtices of the peace. But they muſt take the examinations and informations, and bind over the witneſſes to the proper court, and commit the perſons accuſed.

One witneſs ſufficient.

It is not neceſſary there ſhould be two witneſſes in caſes of counterfeiting the coin, as it is in other high treaſons; but perſons may be convicted by one witneſs only.

15 G. 2. c. 28.

If any perſon ſhall utter or tender in payment any falſe or counterfeit money, knowing the ſame to be falſe or counter-

feit,

it, to any perſon or perſons, and thereof ſhall be convicted, ch perſon ſo offending ſhall ſuffer ſix months impriſonment, d find ſureties for good behaviour for ſix months more; for e ſecond offence, ſhall ſuffer two years impriſonment, and d ſureties for good behaviour for two years more; and for e third offence, ſhall be adjudged guilty of felony without nefit of clergy.

And if any perſon ſhall utter or tender in payment any falſe counterfeit money, knowing the ſame to be falſe or counrfeit, to any perſon or perſons, and ſhall either the ſame day, within ten days then next, utter or tender in payment any ore or other falſe or counterfeit money, knowing the ſame to falſe or counterfeit, or ſhall at the time of ſuch uttering or ndering, have about him or her, in his or her cuſtody, one or ore pieces of counterfeit money, beſides what was ſo uttered tendered, ſuch perſon being deemed a common utterer of lſe money, and being thereof convicted, ſhall ſuffer a year's mpriſonment, and find ſureties for good behaviour for two ears more, to be computed from the end of the year's imiſonment; and for the ſecond offence, ſhall be adjudged uilty of felony without benefit of clergy. 15 G. 2 c. 28

Whoever ſhall apprehend and proſecute to conviction any erſon, that hath counterfeited, clipped, or diminiſhed any of e current [gold or ſilver] coin of this realm, or hath altered illings and ſixpences to make them reſemble guineas and half uineas; or halfpennies and farthings, to make them look like illings and ſixpences, or hath brought into this kingdom any ipt, falſe, or counterfeit coin, ſhall have a reward of 40l. to paid by the ſheriff of the county. In order to which, the dge ſhall give him, under his hand, a certificate certifying he conviction. 6 & 7 W. c. 17. 15 G. 2. c. 28. Reward for apprehending and proſecuting.

In like manner, a reward of 10l. ſhall be paid for appreending and convicting a counterfeiter of the copper money. 15 G. 2. c. 28.

If any perſon, being out of priſon, ſhall be guilty of clipping, coining, or diminiſhing the [gold or ſilver] coin of this ealm, and afterwards diſcover two or more perſons who have ommitted any of the ſaid crimes, ſo as they be convicted, he hall have the king's pardon, and if he is an apprentice, he hall be made a freeman. 6 & 7 W. c. 17. For diſcovering two or more offenders.

If any perſon, being out of priſon, ſhall be guilty of altering ſixpences or ſhillings, to make them look like half guineas r guineas; or altering farthings or halfpennies, to make them ook like ſixpences or ſhillings; or of counterfeiting braſs or opper halfpennies or farthings; or of uttering falſe money, nd afterwards diſcover two or more perſons who have committed any of the ſaid crimes, ſo as they be convicted, he ſhall ave the king's pardon. 15 G. 2. c. 28. If out of priſon, king's pardon.

A ſum, not exceeding 600l. may be annually iſſued from the Treaſury, for the proſecution of offenders reſpecting coin. 7 *Ann.* c. 24. 15 & 16 G. 2. c. 28. Sum for proſecutions iſſued.

2 *Haw.* 116. Unbailable offenders, and perſons refuſing bail, muſt be committed.

PERSONS apprehended for offences which are not bailable, and alſo all perſons who neglect to offer bail for offences which are bailable, muſt be committed. Whereſoever a juſtice is impowered by any ſtatute to bind a perſon over, or cauſe him to do a certain thing, and ſuch perſon being in his preſence, ſhall refuſe to be bound, or to do ſuch thing, the juſtice may commit him to the gaol, to remain there till he ſhall comply.

2 *H. H.* 121. Felon bailed or committed.

If a priſoner be brought before a juſtice, expreſsly charged with felony upon oath, the juſtice cannot diſcharge him, but muſt bail or commit him. But if he be charged with ſuſpicion only of felony, yet if there be no felony at all proved he be committed, or if the fact charged as a felony be in truth no felony in point of law, the juſtice may diſcharge him. But if a man be killed by another, though it be by miſadventure, or in ſelf-defence, the juſtice ought not to diſcharge him, for he muſt undergo his trial for it; and therefore he muſt be committed, or at leaſt bailed.

Suſpected felon diſcharged. Caſe of homicide.

Dalt. 3. *c.* 170.

But commitment by the juſtices of the peace almoſt in all caſes (except for the peace, good behaviour, felony, or higher offences), is but to retain the party till he hath made fine to the king; and therefore, if he offer to pay it, or find ſureties by recognizance to pay it, he ought not to be committed, but to be delivered preſently.

Bail, when to be accepted.

5 *H.* 4. *c.* 10.

All felons ſhall be committed to the common goal, and not elſewhere.

6 *G.* 1. *c.* 19. Vagrants and petty offenders, how dealt with.

But vagrants, and other criminals charged with ſmall offences, may, for want of ſureties, be committed either to the common gaol, or houſe of correction, as the juſtices, in their judgment, ſhall think proper. And they may commit other offenders to the ſtocks, or other cuſtody, by particular ſtatutes.

27 *G.* 3. *c.* 11. Gaol or houſe of correction.

By this act, a power is given to any juſtice or juſtices of the peace, within his or their reſpective juriſdictions, to commit either to the common gaol, or to any houſe of correction, within his or their reſpective juriſdictions, as to ſuch juſtice or juſtices ſhall ſeem moſt proper, vagrants, and other criminals, offenders, and perſons charged with or convicted of ſmall offences, as by any law now in force, or hereafter to be made, he or they is or are, or ſhall be authorized to commit to the common gaol.

24 *G.* 2. *c.* 55. Offender fugitive, how dealt with.

If a perſon is apprehended, upon a warrant indorſed, in another county, for an offence not bailable, or if he ſhall not there find bail, he ſhall be carried back into the firſt county, and be committed (or if bailable, bailed) by the juſtices in ſuch firſt county.

2 *Haw.* 119. Cautions reſpecting commitment.

The commitment muſt be in writing, either in the name of the king, and only atteſted by the perſon who makes it, or it may be made by ſuch perſon in his own name, expreſſing his office or authority, and muſt be directed to the goaler, or keeper of the priſon.

hould contain the name and ſurname of the party com- 2 *H. H.* 577.
ed, if known; and, if not known, it may be ſufficient to
ibe the perſon by his age, ſtature, complexion, colour of
air, and the like, and to add that he refuſeth to tell his
.

is ſafe, but not neceſſary, to ſet forth, that the party is 2 *Haw.* 120.
ged upon oath.

ought to contain the cauſe, as for treaſon, or felony, or 2 *Inſt.* 52.
cion thereof.

warrant or mittimus to anſwer to ſuch things as ſhall be 2 *Inſt.* 591.
ged againſt him, is utterly againſt law. Illegal warrant.

ought to contain the certainty of the cauſe; if it be for 2 *H. H.* 120.
y, it ought to be for felony; *for the death of ſuch an one,*
r burglary *in breaking the houſe of ſuch an one.*

it is for felony, it muſt be to detain him till he be thence 2 *H. H.* 123.
ered by law, or by order of law, or by due courſe of law.

commitment grounded on an act of parliament, ought to 2 *Haw. Not* 33.
onformable to the method preſcribed by it. The differ- Farther cautions.
is, where a man is committed as a criminal, and where
for contumacy; in the firſt caſe, the commitment muſt
ntil diſcharged according to law; but in the latter, until
omply.

here a ſtatute appoints impriſonment, without limiting the *Dalt. c.* 170.
, the priſoner muſt remain at the diſcretion of the court.

muſt be under ſeal; and without this, the commitment is 1 *H. H.* 583.
wful. Muſt be under ſeal.

ut this muſt not be intended of a commitment by the ſeſ- 2 *H. H.* 584.
s, or other court of record; for there the record itſelf, or Unleſs by the ſeſſions.
memorial thereof, which may at any time be entered of re-
d, is a ſufficient warrant, without any warrant under ſeal.

t ſhould alſo ſet forth the place at which it is made, that it 2 *Haw.* 119.
appear to be within the juriſdiction of the juſtice. Place where made.

t muſt alſo have a certain date, of the year and day. 2 *H. H.* 123.
dated

very perſon who ſhall be committed to the common or 3 *J. c.* 10.
al gaol, by any juſtice of the peace, the ſaid perſon having
ns or ability thereunto, ſhall bear his own reaſonable
rges, and the charges alſo of ſuch as ſhall be appointed to Offender, if able, to bear his own charges to gaol.
rd him to ſuch gaol: and if any ſuch perſon ſhall refuſe to
ray the ſaid charges, then ſuch juſtice ſhall, by writing un-
his hand and ſeal, give warrant to the conſtable of the hun-
d, or conſtable of the townſhip where ſuch perſon ſhall be
elling and inhabit, to ſell ſuch and ſo much of the goods
chattels of the ſaid perſon ſo to be committed, as by the
cretion of the ſaid juſtice ſhall be deemed ſufficient to ſatisfy
pay the charges of ſuch his conveying and ſending to the
gaol; the appraiſement to be made by four of the honeſt
abitants of the pariſh where ſuch goods ſhall be; the over-
s to be delivered to the party.

When any perſon, not having goods or money in the county 27 *G.* 2. *c.* 3.
cre he is taken, ſufficient to bear the charges of himſelf and

of

of thoſe who convey him, is committed to gaol, or to the h of correction, by warrant from a juſtice, then on applica by the conſtable or other officer who conveyed him, to any tice for ſuch county or place, ſuch juſtice ſhall, upon examine into and aſcertain the reaſonable expences, and without fee, by his warrant, order the treaſurer to pay ſame. But in Middleſex, the ſame ſhall be paid by the ſeers of the poor of the pariſh where the perſon was ap hended.

In other caſes, a juſtice may give an order on the Treaſurer. On the *Overſeers* in *Middleſex*, where the perſon was apprehended. Limitation of expence.

By the *habeas corpus* act, the charges of conveying an o der is limited not to exceed 12d. a mile.

4 *Ed.* 3. *c.* 10. Gaoler refuſing to receive.

If the gaoler ſhall refuſe to receive a felon, or take any for receiving him, he ſhall be puniſhed for the ſame, by juſtices of gaol delivery.

Dalt. c. 170. What is the conſtable's duty, on ſuch refuſal.

But if a man be committed for felony, and the gaoler not receive him, the conſtable muſt bring him back to the where he was taken; and that town ſhall be charged with keeping of him, until the next gaol delivery.

3 *H.* 7. *c.* 3. Commitment certified. 2 *Haw.* 121.

The ſheriff or gaoler ſhall certify the commitment to next gaol delivery.

King only can diſcharge before trial.

A perſon legally committed for a crime, certainly app ing to have been done by ſome one or other, cannot be lawf diſcharged by any one but the king, till he be acquitted on trial, or have an *ignoramus* found by the grand jury, or n to proſecute him, on a proclamation for that purpoſe by juſtices of gaol delivery.

Common Prayer.

13 & 14 *C.* 2. *c.* 14.

WHERE an incumbent reſides upon his living, and ke a curate, the incumbent himſelf (not having law impediment to be allowed by the biſhop) ſhall at leaſt, onc month, openly and publicly read the common prayer, and there be occaſion) adminiſter the ſacraments, and other rite the church, on pain of 5l. to the poor, on conviction by c feſſion, or oath of two witneſſes, before two juſtices; and, default of payment in ten days, the ſame to be levied by churchwardens or overſeers, by diſtreſs and ſale, by warrant ſuch juſtices.

Incumbent's duty.

Confeſſion.

2 *Haw.* 429. Defendant's confeſſion.

IT ſeems that the confeſſion of the defendant taken upon examination before juſtices of the peace, or in diſcourſe wi private perſons, may be given in evidence againſt the pa confeſſing, but not againſt others.

Conſpiracy

Y the common law, all confederates whatſoever, wrongfully to prejudice a third perſon, are highly criminal. 1 *Haw.* 190. Confederates criminal.

nd by ſtatute, conſpirators are they, that do confederate or themſelves by oath, covenant, or other alliance, that of them ſhall aid and bear the other falſly and maliciouſly indict, or cauſe to indict, falſly to move or maintain pleas. 33 *Ed.* 1. *ſt.* 2. Who are conſpirators.

is clear, that thoſe who are convicted of conſpiracy at the of the party, ſhall have judgment of fine and impriſonment, to render the plaintiff his damages. 1 *Haw.* 193. How puniſhed.

Conſtable.

ſome places, at this day, there is both a tythingman and onſtable, where the tythingman is, as it were, a deputy to ute the office in the conſtable's abſence; but the conſtable do whatever the tythingman may do, but not on the con-, the tythingman not having an equal power with the able, 1 *Black.* 357. Difference between a conſtable and tythingman.

he preſident, commons, and fellows of the faculty of phyn London, ſhall not be choſen conſtables. 32 *H.* 8. *c.* 40.

rgeons in London ſhall be freed and exempted from the e of conſtables. 5 *H.* 8. *c.* 6. & 18 *G.* 2. *c.* 15.

pothecaries in London, and within ſeven miles thereof, g free of the company of apothecaries, and alſo thoſe in the ntry who have ſerved a ſeven years apprenticeſhip, ſhall be mpted from the office of conſtable. 6 & 7. *W.* *c.* 4. Exempted perſons.

ſworn attorney, or other officer of the courts at Weſtmin- may have a writ of privilege of his diſcharge. 2 *Haw.* 63.

very teacher or preacher in holy orders, or pretended holy rs, in a congregation tolerated by law, ſhall, from the time is ſubſcription and taking the oaths, be exempted from the e of conſtable. 1 *W.* *c*, 18.

he proſecutor of a felon to conviction, or perſon to whom hall aſſign the certificate thereof, ſhall be diſcharged from office of conſtable. 10 & 11. *W.* *c.* 23. Proſecutor of felons exempt.

any perſon, diſſenting from the church of England, ſhall choſen conſtable, and ſhall ſcruple to take upon him the e, in regard of the oaths, or any other matter required to lone in reſpect of ſuch office, he may execute it by a ſufnt deputy. 1 *W.* *c.* 18. Quakers may have deputies.

he law requires, that every conſtable be * *idoneus homo*, that apt and fit for the execution of the ſaid office; and he is ſidered to be *idoneus* who hath, firſt, honeſty to execute his e truly, without malice, affection, or partiality. Second- *Lambard.* Who is a fit perſon.

* See this matter more fully ſet forth in a Pamphlet entitled *The Duty of Conſtables*: Printed for Meſſrs. Robinſon, &c. London, price 1s.

ly,

ly, knowledge to underſtand what he ought to do. This ability, as well in ſubſtance or eſtate, as in body, that may intend and execute his office diligently, and not thro impotency of body, or want, neglect his duty. And if ſhall be choſen conſtable, who is not thus qualified, he m law be diſcharged of his ſaid office, and another fit be appointed in his place. In which caſe, a ſummons ma directed to ſeveral inhabitants of the pariſh to appear be the juſtice for him to make choice of one of them to take oath, &c.

Where choſen. The petty conſtable ought to be choſen in the leet; and high conſtable (properly ſo called) in the torn, which is general leet of the whole hundred.

2 *Haw.* 62. By whom ſworn. They are to be ſworn and placed in their office by the or his ſteward, or by the ſheriff reſpectively, as being judg the court.

Dalt. c. 28. Preſent uſage. But now the uſual manner is, that the high conſtable hundreds be choſen either at the quarter ſeſſions, or by greater number of the juſtices of the diviſion.

2 *Haw.* 65. Every vill ſhould have a conſtable. And every petty conſtable, being a principal peace offic and it being neceſſary for the preſervation of the peace, t every vill ſhould be furniſhed with one; the juſtices of peace have, ever ſince the inſtitution of their office, taken u them, as conſervators of the peace, not only to ſwear the p conſtables, that have been choſen at a torn or leet, but alſo

Juſtices' power. nominate and ſwear thoſe who have not been choſen at any court, on the neglect of the ſheriffs or lords to hold th court, or to take care that ſuch officers are appointed in the

Preſumed unqueſtionable. And this power of the juſtices of the peace having been c firmed by the uninterrupted uſage of many ages, ſhall not n be diſputed, but ſhall be preſumed to be eſtabliſhed upon ſ ficient authority.

13 & 14 *C.* 2. *c.* 37. What, in default of torn or leet. Juſtices of the peace had power to nominate and ſwear c ſtables, on the default of the torn or leet, before the ſtatute 13 & 14 *C.* 2. *c.* 12. If a conſtable ſhall die, or go out of pariſh, any two juſtices may make and ſwear a new one, the lord ſhall hold a leet, or 'till the next quarter ſeſſions, w ſhall approve of the officer ſo made and ſworn, or appoint a ther; and if any officer ſhall continue above a year in his fice, the juſtices in their quarter ſeſſions may diſcharge hi and put in another, 'till the lord ſhall hold a court.

Dalt. c. 28. Conſtable refuſing to be ſworn. If conſtables, lawfully choſen, refuſe to be ſworn, a juſtice the peace may bind them over to the aſſizes or ſeſſions, there be indicted.

C. 1. *ſt.* 2. *c.* 13. High conſtables oaths. High conſtables are to take the oaths of allegiance, ſupr macy, and abjuration, as other perſons who qualify for offic but petty conſtables are exempted.

2 *Haw.* 33. Conſtable's authority. Every high and petty conſtable is, by the common la conſervator of the peace; and therefore, if any man ſh make an affray or break the peace, the conſtable may comm hi

n to the ſtocks or other ſafe cuſtody for the preſent, and afwards may carry him before a juſtice or to gaol, until he ll find ſurety for the peace.

But he cannot require ſurety of the peace, unleſs the offence upon his own view; for he cannot take a man's oath, beuſe he is not a judge of record. *Cro. Eliz.* Cannot adminiſter an oath.

The conſtable is a proper officer to a juſtice of the peace, and und to execute his warrants, and therefore it hath been reved, that where a ſtatute authorizes a juſtice of the peace to nvict a man of a crime, and to levy the penalty by warrant diſtreſs, without ſaying to whom ſuch warrant ſhall be dited, or by whom it ſhall be executed, the conſtable is the oper officer to ſerve ſuch warrant, and indictable for diſoying it. 2 *Haw.* 262. Duty reſpecting warrants.

No action ſhall be brought againſt any conſtable, or other rſon acting by his order, and in his aid, for any thing done obedience to the warrant of a juſtice of the peace, until deand hath been made by the party, or his attorney, in writg, ſigned by the party demanding the ſame, of the peruſal d copy of ſuch warrant, and the ſame hath been refuſed or glected for ſix days after ſuch demand; and if ſuch action brought jointly againſt the juſtice and conſtable, on proof ſuch warrant, the jury ſhall find for the conſtable; and if e verdict be given againſt the juſtice, the plaintiff ſhall reive his coſts againſt him, to be taxed in ſuch manner by the roper officer, as to include ſuch coſts as the plaintiff is liable pay to ſuch defendant, for whom ſuch verdict ſhall be found aforeſaid. If an action is brought.

The conſtable ought not to return the warrant to the juſtice, ut to keep it for his own juſtification; but he muſt certify to he juſtice what he hath done in the execution thereof. Warrant to be kept.

The conſtable executing a juſtice's warrant, for levying a enalty, or other ſum of money directed by an act of parliaent, by diſtreſs, may deduct his own reaſonable charges of aking, keeping, and ſelling the goods diſtrained; returning he overplus on demand, after ſuch penalty or ſum of money nd charges are deducted. *See Commitment.* 27 *G.* 2. *c.* 20. Conſtables' charges may be deducted.

Every conſtable, or other ſuch officer, ſhall, every three months, and within fourteen days after he ſhall go out of his ffice, deliver to the overſeers a juſt account in writing, fairly ntered in a book to be kept for that purpoſe, and ſigned by lm, of all ſums by him expended on account of the ſaid pariſh, ownſhip, or place, in all caſes not hitherto provided for by aw, and alſo of all ſums received by him on the account of the aid pariſh, townſhip, or place; and the overſeers ſhall, with-n the next fourteen days after the account ſhall be ſo deliverd, lay the ſame before the inhabitants, and, if approved by he majority of them, the overſeers ſhall pay out of the poor ate ſuch ſum as ſhall appear to be due on the ſaid account: But if the account, or any part thereof, ſhall be diſallowed, 18 *G.* 3. *c.* 19. May deliver in his account every three months.

What, if diſallowed.

the overſeers ſhall deliver back to the conſtable, or other officer, ſuch book of accounts; who may then produce the ſaid book to a juſtice, giving reaſonable notice thereof to the overſeers; which juſtice ſhall examine the ſame, and hear and determine any objection that ſhall be made to the account, and ſettle the ſum which ſhall appear to him to be due, and enter the ſame in the account, and ſign his name thereto; and the overſeers ſhall pay the ſame accordingly. Provided, that if the overſeer ſhall find that the pariſh, townſhip, or place is aggrieved by any thing done or omitted by the ſaid conſtable, or other officer, or by the juſtice, he may, giving reaſonable notice to the ſaid juſtice, conſtable, or other officer, appeal to the next general or quarter ſeſſions. And the juſtices in ſeſſions may, from time to time, lay down or alter ſuch rules and regulations as to any coſts or charges to be allowed to any perſon by virtue of this act, as to them ſhall ſeem juſt; which rules and regulations having received the approbation and ſignature of one or more of the judges of aſſize, ſhall be binding, and not otherwiſe, on all perſons whatſoever.

Coſts regulated at ſeſſions.

13 *G.* 2. *c.* 29. High conſtable to account for county rate.

The high conſtables ſhall, at the general or quarter ſeſſions, if thereunto required, account for the general county rate by them received, on pain of being committed to gaol until they ſhall account; and all their accounts and vouchers ſhall, after having been paſſed at the ſaid ſeſſions, be depoſited with the clerk of the peace, to be kept amongſt the records, and inſpected by any juſtice without fee.

Dalt. c. 28. Who may remove him.

If there ſhall be cauſe to remove and put a high conſtable from his place, it ſhall be done by the greater part of the juſtices of that diviſion, or at the ſeſſions.

2 *Haw.* 65. Juſtices' power to diſplace conſtables.

The juſtices of the peace have alſo uſed, for good cauſe, to diſplace all ſuch conſtables as have been choſen and ſworn by them.

Conviction.

Juſtice's care with reſpect to convictions.

WHERE a ſpecial power is given to a juſtice of the peace by act of parliament, to convict an offender in a ſummary manner, without a trial by jury, it muſt appear that he hath ſtrictly purſued that power; otherwiſe the common law will break in upon him, and level all his proceedings. Therefore he muſt proceed according to the courſe of common law in trials by juries, and conſider himſelf only as conſtituted in the place both of judge and jury. There muſt be an information or charge againſt a perſon; then he muſt be ſummoned, or have notice of ſuch charge, and have an opportunity to make ſuch defence; and the evidence againſt him muſt be ſuch as the common law approves, unleſs the ſtatute ſpecially directeth otherwiſe then, if the perſon be found guilty, there muſt be

e a conviction, judgment, and execution, all according to the ourſe of the common law, directed and influenced by the ſpeial authority given by ſtatute; and, in the concluſion, there uſt be a record of the whole proceeding, wherein the juſtice uſt ſet forth the particular manner and circumſtances; ſo hat, if he ſhall be called to account by any ſuperior court, it may appear that he hath conformed to the law, and not exceeded the bounds preſcribed to his juriſdiction.

Corn.

TO buy or ſell corn in the ſheaf, before it is threſhed and meaſured, is againſt the common law of England. 3 *Inſt.* 197. Not to be ſold in the ſheaf. *Barl.* 578.

In the meaſure of corn, the cuſtom of the place is to be obſerved, if it be a cuſtom beyond all memory, and uſed without any viſible interruption.

Every perſon, who ſhall unlawfully cut or take away any corn or grain growing, being convicted thereof by confeſſion, or oath of one witneſs, before one juſtice, ſhall, for the firſt offence, pay ſuch damages as the juſtice ſhall appoint; and if the juſtice ſhall think him not able or ſufficient, or if he do not pay ſuch damages, he ſhall commit him to the conſtable where the offence is committed, or where the party is apprehended, there to be whipped; and for every other offence he ſhall in like manner be whipped. The conſtable refuſing, ſhall be committed by the juſtice, till he conform. 43 *El. c.* 7. Penalty for cutting growing corn.

The inſpector of the returns of corn ſhall demand of every cornfactor, in the Corn-Exchange, in Mark-lane, a weekly return of the ſeveral quantities of corn or grain by him *bona fide* ſold and delivered in ſuch week, as alſo the name or names of the purchaſer or purchaſers thereof, which return ſhall be ſigned by each cornfactor delivering the ſame, and a tranſcript of ſuch account ſhall be publiſhed in the London Gazette weekly; which ſhall be deemed to have been the average prices, during each reſpective week, in Kent, Eſſex, and London. The weekly returns taken by the inſpector, ſhall be filed, and depoſited in his office. The inſpector ſhall compute the aggregate quantity of each ſort of grain, and the average prices thereof, which ſhall be ſold previous to the ſeſſions for London, in April 1782; and ſo on from ſeſſion to ſeſſion; which account he ſhall tranſcribe into a book; and deliver, on the firſt day of the ſaid ſeſſions (and afterwards on the firſt day of each quarter ſeſſion), in open court, to the lord mayor, aldermen, and juſtices of the peace for the city of London. The duties on importation of foreign grain ſhall be regulated by the ſaid average prices. The cornfactors ſhall verify their returns on oath, under a penalty of, from 25l. to 50l. one moiety to the inſpector, and another as the court ſhall think proper, if 31 *G.* 3. *c.* 30. Inſpectors.

they obey not the ſummons of the court. The proprietors, in caſe of the inſpector's ſickneſs, may appoint a ſubſtitute; which appointment ſhall be preſented to the next ſeſſions. Cornfactors neglecting to deliver weekly returns, to be ſummoned before the ſeſſions, and in caſe they ſhall not appear, the ſaid perſons ſo offending ſhall be fined not more than ten pounds, nor leſs than five pounds, to be divided as before. A duty of a halfpenny per laſt on all corn ſold, ſhall be paid to the inſpector, the amount thereof to be ſtated, and preſented to the ſeſſions twice a year. The inſpector ſhall give ſecurity in a ſum not leſs than two hundred pounds, nor more than three hundred pounds, for the faithful accounting and payment of all monies received by him by virtue of this act. If the juſtices ſhall neglect to appoint proper perſons to make returns, the commiſſioners of the treaſury ſhall appoint them until the Michaelmas ſeſſions next following.

31 *G.* 3. *c.* 30. Inſpectors of duties, by whom appointed.

By this act, inſpectors of corn-returns, not being maltſters, millers, cornfactors, or their agents, are to be appointed by the lord mayor of London, to regulate the duties on exportation and importation of corn, in the ſeveral ports of London, Kent, Eſſex, and Suſſex; and in the ſeveral maritime counties, by the juſtices, at their general quarter ſeſſions, to be held after *June* 24, 1791. In every town, which is a county of itſelf, the mayor or other chief officer is to appoint.

Inſpector's oath.

Every inſpector ſo appointed ſhall take the following oath:

I *A. B.* do ſwear *(or affirm)*, that I will at all times make due and true returns to the receiver of corn-returns, appointed by virtue of an act paſſed in the 31ſt year of the reign of King George the Third, entitled, "An act for regulating "the importation and exportation of corn, and the payment "of the duty on foreign corn imported, and of the bounty on "Britiſh corn exported," of the weekly quantities and prices of corn and oatmeal, at the market held at ——— according to the accounts delivered to me by the ſeveral dealers in corn and oatmeal, at the ſaid market, and that I will uſe my beſt endeavours to procure true accounts of ſuch quantities and prices from ſuch dealers, and in all things, to the beſt of my ſkill and judgment, conform myſelf, as inſpector of corn-returns, to the directions of the ſaid act.

31 *G.* 3, *c.* 30.

Return weekly.

All millers, maltſters, and dealers in corn for ſale, ſhall return to the inſpectors of corn-returns accounts of the quantities bought by them in each week, and ſhall make the following declaration:

Declaration.

I *A. B.* do hereby declare, that the returns of the quantities and prices of Britiſh corn and oatmeal, which henceforth ſhall be by me bought and received, ſhall, to the beſt of my knowledge and belief, be true and juſt, and, to the beſt of my judgment, conformable to the directions of an act, paſſed in the 31ſt year of the reign of his Majeſty King George the Third, entitled *(as before.)*

This

This declaration, ſubſcribed by ſuch dealer in corn, &c. Delivered to a juſtice to be certified.
l be forthwith delivered to a juſtice of the peace within the
ict, who is to certify the ſame, to be filed by the clerk of
peace for the county, or town clerk of the city or town.
The penalty for acting, without making ſuch declaration, Penalty for falſe returns.
or making falſe returns, is not leſs than 40s. nor more
n 10l.
The juſtices of the peace for the inland counties, and of Inſpector of corn returns,
y ſuch city or town, as is a county of itſelf, and which
not contribute to the county rate, ſhall, at their general
rter ſeſſions after June 24, 1791, appoint ſome perſon qua-
d for that purpoſe, not being a miller, maltſter, factor, or
r perſon dealing in corn for ſale, reſiding in or near ſuch
n or city, to collect weekly an account of the average to take a weekly account of the price of corn.
es of each ſort of corn, and of oatmeal, ſold in ſuch city
own, who ſhall be called *Inſpector of Corn Returns* for ſuch
ce; and in caſe of death, removal, &c. two juſtices may ap-
nt a ſucceſſor till the appointment can be made by the ge-
al quarter ſeſſions.
Every inſpector ſhall enter in a book the ſeveral accounts of
quantities and prices of corn and oatmeal, returned to him
the reſpective dealers; which ſaid book ſhall not be made
blic, or ſhewn by the ſaid inſpector, or with his conſent, to
perſon whatſoever, unleſs called for, and required by the
eiver of the corn-returns, or by an order in writing under
hand of one juſtice of the peace for the county or town in
ich ſuch inſpector ſhall reſide, under a penalty of 20l.; and
ry ſuch inſpector ſhall return to the receiver of corn-returns,
the Tueſday in each week, an account of the weekly quan-
es and prices of corn and oatmeal ſold and delivered in the
y or town where he is appointed inſpector. The inſpector
take the following oath:
I A. *B.* do ſwear *(or affirm)*, that I will at all times make 31 *G.* 3. *c.* 30. His oath.
e and true returns to the receiver of corn returns, appointed
virtue of an act paſſed in the 31ſt year of his Majeſty King
eorge the Third, entitled *(as before)*, of the average prices
each ſort of corn and of oatmeal, ſold at the market held at
——————————, and that I will in all things, to the
ſt of my ſkill and judgment, conform myſelf, as inſpector of
rn-returns, to the directions of the ſaid act.
Which oath any juſtice, or head officer, may adminiſter.— Account to the receiver.
ſpectors are to tranſmit to the receiver of corn returns a
ekly account of the average prices of corn and oatmeal ſold
their reſpective diſtricts, under a penalty of 10l.
Five ſhillings for each return from the maritime towns, and From whence paid.
o ſhillings for each return from the inland towns, ſhall be
id to every inſpector quarterly out of the county rate, or in
ery city or town which is a county of itſelf, out of the poor
tes.
When the juſtices, or the mayor, or other chief officer, ſhall
eſteem

esteem a larger compensation necessary, in consideration o traordinary trouble, it may be granted.

Certificate of the number of returns.

The receiver of the corn-returns is to transmit, at th of each year, a certificate of the number of returns he ha ceived, to the receiver-general of the customs, who is to the money advanced by the county treasurers.

Receiver of corn returns, by whom appointed. Oath.

The treasury is to appoint a receiver of corn-returns, is to take the following oath, which any justice of the pe the county of Middlesex is hereby required to administer.

I *A. B.* do swear, that I will, to the best of my skill knowledge, execute the office of receiver of corn-returns cording to the directions of an act passed in the 31st year reign of his Majesty King George the Third, entitled (*as fore*), and in all things conform myself as a receiver of returns, to the provisions of the said act.

Without fee.

No fee shall be taken by the clerk of any justice of p or any other person, before whom any oath, declaration, firmation, respecting this act, shall be taken or made.

Penalties, how recovered.

Penalties inflicted by this act on any cornfactor, or dea corn for sale, or on any inspector of corn-returns, may be for, and recovered, before any two justices of the p of the county, city, or town, where such offender reside, who, on due proof, may convict and levy the pen directed by this act; and the determination of such ju shall be final.

Coroner.

2 *Haw.* 42. Coroners, why so called.

CORONERS are ancient officers by the common law called because they deal principally with the pleas o crown, and were of old time the principal conservators o peace.

4 *Inst.* 271.

In ancient times, this office was of great estimation none could have it under the degree of a knight.

28 *Ed.* 3. *c.* 6. How chosen, and by whom. 2 *Haw.* 43, 44. *Hale's Pl.* 170.

The coroner shall be chosen in the county court, by commons of the same county.

And none but freeholders have a voice at such election.

When any person comes to an unnatural death, the t ship shall give notice thereof to the coroner. Otherwise i body be interred before he come, the township sha amerced.

4 *Ed.* 1. *st.* 2. How to act.

When notice is given to the coroner, he is to issue a pr to the constables of the four, five, or six next townships, t turn a competent number of good and lawful men of townships, to appear before him in such a place, and to m an inquisition touching the matter. Or he may send his cept to the constable of the hundred.

2 *Inst.* 148.

These are to be at least twelve.

e jury appearing is to be ſworn and charged by the coro- 2 *H. H.* 60.
enquire, upon the view of the body, how the party came Jury's duty.
s death.

he body cannot be viewed, the coroner can do nothing; *Hale's Pl.* 170.
he juſtices of the peace ſhall enquire thereof.

every inquiſition (not taken upon view of a body dy- 25 *G.* 2. *c.* 29.
gaol), he ſhall have 20s. and alſo 9d. for every mile he Allowance.
be compelled to travel from his uſual place of abode to
ſuch inquiſition; to be paid by order of the juſtices in
s, out of the county rates. And for every inquiſition
on view of a body dying in priſon, he ſhall be paid ſo
, not exceeding 20s. as the juſtices in ſeſſions ſhall allow,
paid in like manner.

Coſts.

WHERE any complaint ſhall be made before a juſtice, 18 *G.* 3. *c.* 19.
and a warrant or ſummons ſhall iſſue in conſequence Juſtice to determine coſts.
of, it ſhall be lawful for ſuch juſtice, who ſhall have heard
determined the matter of the complaint, to award * ſuch
to be paid by either party, and in ſuch manner and form
him ſhall ſeem meet, to the party injured: and if the per-
ſo ordered by the juſtice ſhall not forthwith pay, or give
rity for the ſame, to the ſatisfaction of the juſtice, it ſhall
vied by diſtreſs†: and if goods and chattels of ſuch per-
annot be found, the juſtice ſhall commit him to the houſe
rrection for the place where ſuch perſon ſhall reſide, to
ept to hard labour not exceeding one month, nor leſs than
days, or until ſuch ſum, together with the expences at-
ing the commitment, be firſt paid. Provided, that where
penalty ſhall amount to or exceed the ſum of 5l. the ſaid
ſhall be deducted by the juſtice, according to his direc-
, out of the penalty, ſo that the ſaid deduction ſhall not
ed one fifth part of the penalty. And the juſtices in ſeſ-
, from time to time, may lay down or alter ſuch rules and
lations concerning coſts or charges to be allowed to any Regulated at
on by virtue of this act, as to them ſhall ſeem juſt; which ſeſſions.
s and regulations, having received the approbation and ſig-
re of one or more of the judges of aſſize, ſhall be binding,
not otherwiſe, on all perſons whatſoever.

* See appendix, No. 17. † No. 18.

County

11 *H.* 7. *c.* 15. Attorney to be preſent.

NO plaint ſhall be entered in the county-court, but w the plaintiff, or his attorney, is preſent; and the pl tiff ſhall find pledges to purſue his plaint; and he ſhall but one plaint for one treſpaſs, on pain of 40s. half to king, and half to the proſecutor. And one juſtice may amine the ſheriff or other officer, making default; and within a quarter of a year, certify the examination into exchequer.

County-Election Bill.

30 *G.* 3. *c.* 35. Right of vote allowed on ſix month's aſſeſſment,

or in the name of the occupier.

THE acts *G.* 3. *c.* 17. and 22 *G.* 3. *c.* 31, are here cited; and it is hereby enacted, that nothing in the recited acts ſhall be conſtrued to prevent any perſon from ing for knights of the ſhire, or for burgeſſes for Cricklade, lands, &c. who hath been aſſeſſed for ſix months to the tax, in the name of ſuch perſon; nor to prevent any pe from voting at any ſuch election, for lands, &c. ſo aſſeſſed, the name of the tenant actually occupying the ſame.

County-Rate.

12 *G.* 2. *c.* 29. Purpoſes of it.

THE juſtices, at their general or quarter ſeſſions, or greater part of them, ſhall have power to make one neral county-rate.

For the repairing of bridges, and highways thereto adj ing, and ſalaries for the ſurveyors of bridges.

11 & 12 *W.* *c.* 19. For building and repairing county gaols.

For repairing ſhire-halls.

9 *G.* 3. *c.* 20. 7 *J.* *c.* 4. For the ſalary of the maſter of the houſe of correction, relieving the weak and ſick in his cuſtody.

43 *El.* *c.* 2. For the relief of the priſoners in the king's-bench and ſhalſea priſons; and of poor hoſpitals in the county, and thoſe that ſhall ſuſtain loſſes by fire, water, the ſea, or o caſualties, and other charitable purpoſes for the relief of poor, as the juſtices in ſeſſions ſhall think fit.

14 *El.* *c.* 5. For the relief of priſoners in the county gaol.

14 *G.* 3. *c.* 59. For the preſervation of the health of the priſoners.

13 *G.* 3. *c.* 58. For the ſalary of the chaplain of the county gaol.

19 *G.* 2. *c.* 4. For ſetting priſoners to work.

19 *G.* 2. *c.* 4. The treaſurer's ſalary.

12 *G.* 2. *c.* 29. Salary of perſons making returns of the prices of corn.

10 *G.* 3. *c.* 39.

12 *G.* 2. *c.* 29. Charges attending the removal of any of the ſaid gen county-rates by *certiorari*.

14 *G.* 2. *c.* 33. Money for purchaſing lands at the ends of county bridg

17 *G.* 2. *c.* 5. Charges of building or repairing houſes of correction,

fitting up and furniſhing the ſame, and employing the perſons ſent thither. Charges of apprehending, conveying, and maintaining rogues and vagabonds.

Charges of the ſoldiers' carriages, over and above the officers' pay for the ſame, by the ſeveral yearly acts againſt mutiny and deſertion, and by the militia act. 2 *G.* 3. *c.* 20.

The coroner's fee of 9d. a mile for travelling to take an inquiſition, and 20s. for taking it. 25 *G.* 2. *c.* 29.

Charges of carrying perſons to the gaol, or houſe of correction. 27 *G.* 2. *c.* 3.

The gaoler's fees for perſons acquitted of felony, or diſcharged by proclamation. 14 *G.* 3. *c.* 20.

Charges of proſecuting and convicting felons. 25 *G.* 2. *c.* 36.

Charges of proſecuting and convicting perſons plundering ſhipwrecked goods. 26 *G.* 2. *c.* 19.

Charges of maintaining the militia men's families, by the ſeveral militia acts.

Charges of bringing inſolvent debtors to the aſſizes, in order to their diſcharge, if themſelves are not able to pay. 32 *G.* 2. *c.* 28.

The charges of tranſporting felons, or conveying them to the places of labour and confinement. 6 *G.* *c.* 23. & 19 *G.* 3. *c.* 74.

Charges of carrying pariſh apprentices, bound to the ſea-ſervice, to the port to which the maſter belongeth. 2 & 3 *An.* *c.* 6.

The churchwardens and overſeers ſhall, in thirty days after demand made, out of the money collected for relief of the poor, pay the ſums ſo aſſeſſed on each pariſh or place. And if they ſhall neglect or refuſe ſo to pay, the high conſtable ſhall levy the ſame by diſtreſs and ſale of their goods, by warrant of two or more juſtices reſiding in or near ſuch pariſh or place. Where there is no poor rate, the juſtices, in their general or quarter-ſeſſions, ſhall, by their order, direct the ſum aſſeſſed on ſuch pariſh, townſhip, or place, to be rated and levied by the petty conſtable, or other peace officer, as money for relief of the poor is by law to be rated or levied. The high conſtables, at or before the next ſeſſions reſpectively after they have received the money, ſhall pay the ſame to the treaſurer; and the money ſo paid, ſhall be deemed the public ſtock. And the ſaid high conſtables ſhall deliver in a true account on oath (if required), of the money by them received, before the ſaid juſtices at their general or quarter-ſeſſions.—The treaſurer ſhall pay ſo much of the money in his hands, to ſuch perſons, as the juſtices in ſeſſions ſhall, by their order, from time to time appoint, for any uſes and purpoſes to which the public ſtock of any county, city, diviſion, or liberty, is or ſhall be applicable. And ſhall deliver in a true account, on oath, if required, of his receipts and diſburſements, to the juſtices at every general or quarter-ſeſſions, and alſo the proper vouchers for the ſame, to be kept amongſt the records of the ſeſſions. And the diſcharge of the ſaid juſtices, by their order at their general or quarter-ſeſſions, ſhall be a ſufficient 12 *G.* 2. *c.* 29. How to be collected and paid.

diſcharge to the treaſurer. And no new rate ſhall be mad
until it appear by the treaſurer's accounts, or otherwiſe, th
three-fourths of the money collected have been expended f
the purpoſes aforeſaid. If the churchwardens and overſeers
any pariſh or place ſhall think ſuch pariſh or place is ove
rated, they may appeal to the next general or quarter-ſeſſion

Curate's Licences.

28 *G.* 3. *c.* 28. Stamps excuſed.

FROM June 24, 1788, the ſtamp duties impoſed by the r
cited acts on licences granted by archbiſhops, &c. are
ceaſe with reſpect to licences to ſtipendiary curates, in whi
the annual amount of the ſtipend is inſerted.

Cuſtoms. See Exciſe, ſo far as Juſtices of the peace
and other officers, are concerned.

Cuſtos Rotulorum.

27 *H.* 8. *c.* 2. By the king's hand.

NO perſon ſhall be appointed to the office of *cuſtos rotulorum*
but ſuch as ſhall have a bill ſigned with the king's ha
for the ſame.

Debtors.

22 *G.* 2. *c.* 28. Conveyance, how paid.

INSOLVENT debtors brought to the aſſizes, in order to b
diſcharged, ſhall pay for their bringing thither, not ex
ceeding 12*d.* a mile; and if they are not able to pay, then th
ſame ſhall be paid by the treaſurer, out of the county-ſtock.

Demurrer.

Wood, *b.* 4. *c.* 5. Demurrer, how defined.

A DEMURRER (from *demorari*) ſignifies an abiding in
point of law, upon which the defendant joins iſſue, al
lowing the fact to be true as laid in the indictment.

DEODAND is, when any moveable thing inanimate, or beast animate, doth move to or cause the untimely death of any reasonable creature, by mischance, without the ill or fault of himself, or of any person. 3 *Inst.* 57. Deodand, what.

Dissenters.

EVERY person, not having reasonable excuse, shall resort to their parish church or chapel, or upon reasonable let thereof, to some usual place where common-prayer shall be said, on every Sunday and holiday; on pain of punishment by the censures of the church, or of forfeiting for every offence 12d. 1 *El. c.* 2. Absent from public worship.

Every person, above the age of sixteen, who shall not repair to some church, or chapel, or usual place of common-prayer, shall forfeit, for every month, 20l. And if he shall forbear for twelve months, he shall be bound to good behaviour till he conform. 23 *El. c.* 1. Penalties for non-conformity.

Every offender, in not repairing to church, having been once convicted, shall, without any other indictment or conviction, pay half-yearly into the Exchequer 20l. for every month afterwards, until he conform; which, if he shall omit to do, the king may seize all his goods, and two parts of his lands. 29 *El. c.* 6.

By the 1 *W.* *c.* 18, commonly called the *act of toleration*, which, by the 19 *G.* 3. *c.* 44, is declared to be a public act, it is enacted, that the statutes aforesaid shall not extend to any person dissenting from the church of England, who shall, at the general sessions of the peace to be held for the county or place where such person shall live, take the oaths of allegiance and supremacy, and subscribe the declaration against popery; of which the court shall keep a register. Provided, that the place of meeting be certified to the bishop of the diocese, or to the archdeacon of the archdeaconry, or to the justices of the peace at the general or quarter-sessions. Toleration act.

If any person shall take upon him to preach or teach in any meeting or conventicle, in other manner than according to the practice of the church of England, he shall forfeit, for the first offence, 20l. and for every other offence 40l. And if he be a stranger, or in the judgment of the justice of the peace before whom he is convicted, unable to pay, it may be levied on the goods of any person present. 22 *Car.* 2. *c.* 1.

But, by the aforesaid act of toleration, and by the 19 *G.* 3. 44. no person dissenting from the church of England, in holy orders, or pretended holy orders, or pretending to holy orders, nor any preacher or teacher of any congregation of dissenting protestants, shall be liable to any penalty for dissenting, Teachers, how qualified.

ſenting, who ſhall, at the ſeſſions as aforeſaid, take the
oaths of allegiance and ſupremacy, and ſubſcribe the ſaid
claration againſt popery, and alſo make and ſubſcribe a
claration in the words following, viz. *I A. B. do ſolemnly
clare, in the preſence of Almighty God, that I am a Chriſtian,
a Proteſtant, and as ſuch, that I believe that the ſcriptures of
Old and New Teſtament, as commonly received among Proteſt
churches, do contain the revealed will of God; and that I do
ceive the ſame as the rule of my doctrine and practice.*

Diſtreſs.

Diſtreſs, what.

A DISTRESS is the taking of a perſonal chattel out of
poſſeſſion of the wrong doer, into the cuſtody of the pa
injured, to procure a ſatisfaction for wrong committed.

2 *Inſt.* 107. Diſtreſs for rent muſt be, for rent in arrear. It muſt not
after tender of payment.

2 *W.* ſ. 1. c. 5 If unjuſtly made.

If any diſtreſs and ſale ſhall be made, for rent in arrear
due, when none is in truth due, the owner ſhall reco
double value, with full coſts.

11 *G.* 2. c. 19. Fraud to prevent diſtreſs.

If any tenant ſhall fraudulently convey off the premiſes
goods or chattels, to prevent the landlord from diſtrainin
ſuch landlord, or any perſon by him lawfully impower
may, in thirty days next after ſuch conveying away, ſeize
ſame wherever they ſhall be found, and diſpoſe of them
ſuch manner, as if they had been diſtrained on the premiſ
And every perſon ſo offending, ſhall forfeit to the landl
*double the value of ſuch goods, to be recovered in any cou
of record at Weſtminſter. But if the goods ſhall not exce
the value of 50l. the landlord or his agent may exhibit a com
plaint in writing before two juſtices of the peace of the ſa
county or diviſion, reſiding near the place where ſuch goo
and chattels were removed, or near the place where the ſa
were found, not being intereſted in the lands or tenemen
whence ſuch goods were removed; who may ſummon the pa
ties concerned, examine the fact, and all proper witneſſes up
on oath, and, in a ſummary way, determine whether ſuc
perſon or perſons be guilty of the offence, with which he o
they are charged, and to enquire in like manner of the valu
of ſuch goods and chattels; and, upon full proof of the of
fence, by order under their hands and ſeals, the ſaid juſtice
ſhall adjudge the offender or offenders to pay double the valu
of the ſaid goods and chattels; and if the offender or offenders,
having notice of ſuch order, ſhall refuſe or neglect ſo to do,
they ſhall, by their warrant, levy the ſame by diſtreſs; and,
for want of ſuch diſtreſs, may commit the offender or offenders

* See Appendix, No. 67.

to

he houſe of correction, there to be kept to hard labour, hout bail or mainprize, for the ſpace of ſix months, un- the money ſo ordered to be paid as aforeſaid, ſhall be er ſatisfied. Perſons aggrieved by order of ſuch juſtices, appeal to the next general or quarter-ſeſſions.

f a man break the pound, or the lock of it, or part of it, reatly offendeth againſt the peace, and therefore hue and is to be levied againſt him, and the party who diſtrained take the goods again, whereſoever he ſhall find them, and ound them again. *1 Inſt. 47.* Pound breaking.

f any tenant at rack rent, or where the rent reſerved ſhall full three-fourths of the yearly value of the demiſed pre- es, who ſhall be in arrear for one year's rent, ſhall deſert premiſes, two juſtices (having no intereſt in the premiſes) , at the requeſt of the landlord, go upon and view the e, and affix on the moſt notorious part of the premiſes, ice in writing, what day (at the diſtance of fourteen days he leaſt) they will return to take a ſecond view; and if on ſecond view, the tenant ſhall not appear and pay the t, or there ſhall not be ſufficient diſtreſs on the premiſes, the juſtices may put the landlord into poſſeſſion, and the e as to ſuch demiſe ſhall from thence be void. But the nt may appeal to the next juſtice or juſtices of aſſize; who award coſts to either party. And the juſtices in this, and other the like caſes, ought to make a record of the whole ceedings, to be produced afterwards in caſe of an action ught againſt the landlord by ſuch tenant. *11 G. 2. c. 19.* Tenant deſerting.

n all caſes where any juſtice of the peace is or ſhall be re- red or impowered by any act of parliament, to iſſue a war- t of diſtreſs, for the levying of any penalty inflicted, or ſum of money directed to be paid by ſuch act, it ſhall be ful for the juſtice granting ſuch warrant, therein to order direct the goods and chattels ſo to be diſtrained, to be ſold diſpoſed of within a certain time to be limited in ſuch rrant, not leſs than four days, nor more than eight days, leſs the penalty or ſum of money for which ſuch diſtreſs ll be made, together with the reaſonable charges of taking keeping ſuch diſtreſs, be ſooner paid. And the officer y deduct all reaſonable charges out of the money ariſing by h ſale; and the overplus (if any) ſhall be returned on de- nd to the owner of the goods ſo diſtrained. *27 G. 2. c. 20.* Goods to be ſold in a limited time.

Dogs.

F a perſon ſhall ſteal any dog or dogs, or ſhall receive or keep any ſuch dog or dogs, knowing the ſame to have been len; every ſuch perſon ſhall, on conviction upon the oath one witneſs, or his or her own confeſſion, before two juſ- *10 G. 3. c. 18.* Penalty on ſtealing dogs.

with

tices, forfeit, for the firſt offence, any ſum not exceeding
nor leſs than 20l. as to ſuch juſtices ſhall ſeem meet, to
with the charges previous to and attending ſuch convi
and if not forthwith paid, the ſaid juſtices ſhall commi
offender to the common gaol for any time not exceeding t
calendar months, nor leſs than ſix, or until the penalty
charges ſhall be paid; and for every ſecond offence of the
kind, the offender ſhall forfeit not exceeding 5ol. nor leſs
5ol. as to ſuch juſtices ſhall ſeem meet; which ſaid penal
or any of them, when recovered, ſhall be paid, half to the
former, and half to the poor; and upon non-payment the
ſuch juſtices ſhall commit the offender to the houſe of cor
tion, for any time not exceeding eighteen months, nor leſs
twelve, or until the penalty and charges ſhall be paid;
ſuch juſtices ſhall alſo order the offender to be publicly wh
ped, within three days after ſuch commitment, in the to
wherein ſuch gaol or houſe of correction ſhall be, betw
the hours of twelve and one of the clock. One juſtice, on
formation to him made, may grant a warrant to ſearch for
dog ſtolen, or the ſkin thereof; and the perſon in whoſe c
tody ſuch dog or ſkin ſhall be found, ſhall be liable to the
penalties, as perſons convicted of ſtealing any dog or d
are herein before made ſubject to. If any perſon ſhall thi
himſelf or herſelf aggrieved, ſuch perſon may appeal to
next general quarter-ſeſſions, within four days after the ca
of complaint ſhall ariſe, giving fourteen days notice of his
tention to appeal.

[N. B. Some difficulties in this act are very properly poi
ed out in Burn, which ſee, article *Dogs*.]

Drunkenneſs.

4 *Ja. c.* 5. Preſentable by pariſh officers. Drunkards, how puniſhed. 21 *Ja. c.* 7.

ALL conſtables, churchwardens, aleconners, and ſideſme
ſhall be ſworn to preſent the offence of drunkenneſs.

Every perſon, who ſhall be drunk, and thereof ſhall be co
victed before one juſtice, or mayor, on view, confeſſion,
oath of one witneſs, ſhall forfeit, for the firſt offence, 5s. to b
paid within one week, to the churchwardens, for the uſe
the poor; and if he ſhall refuſe, it ſhall be levied by diſtreſs
and if the offender be not able to pay the ſaid ſum of 5s. h
ſhall be committed to the ſtocks, there to remain for the ſpac
of ſix hours.

4. *Ja. c.* 5. Conſtable's neglect.

And if any conſtable, or other inferior officer, do neglec
the due correction of the offender, every perſon ſo offendi
ſhall forfeit 10s. to be paid to the churchwardens, for the u
of the poor. And if any perſon, once convicted of drunkenne
ſhall after that be again convicted of the like offence, he ſha
be bounden with two ſureties in a recognizance or obligatio

el, with condition to be from henceforth of good be-
iour.

any alehouſe-keeper ſhall be convicted of being drunk, 5 *Ja.* c. 10. Alehouſe-keeper getting drunk.
hall, beſides the penalties above-mentioned, be utterly diſ-
d to keep any ſuch alehouſe, for the ſpace of three years
enſuing the conviction.

runkenneſs is no extenuation of a crime, except it be in- 1 *Hale*, p. C. c. 32.
ntary.

Eſcape.

N eſcape is, where one that is arreſted gaineth his li- 2 *Haw.* 139.
berty, before he is delivered by courſe of law.

Wherever a perſon is found guilty upon an indictment or 1 *H. H.* 604. Suffering it, puniſhable.
ſentment of a negligent eſcape of a criminal actually in his
ody, he is puniſhable by fine and impriſonment, according
he quality of the offence.

f any perſon ſhall aſſiſt any priſoner to *attempt* his eſcape 16 *G.* 2. c. 31. Aſſiſting in an attempt to eſcape.
m any gaol, if ſuch priſoner was then attainted or convic-
of treaſon or felony (except petty larceny), or lawfully
mmitted to, or detained in any gaol, for treaſon or felony
cept petty larceny) expreſſed in the warrant of commit-
nt, he ſhall be guilty of felony, and be tranſported for
en years; and if ſuch priſoner was then convicted of, or
ained in gaol for petty larceny, or any other crime not
ng treaſon or felony, expreſſed in the warrant of commit-
nt, or was then in gaol for debt amounting to 100l. he ſhall
guilty of a miſdemeanor, and be liable to fine and im-
ſonment. And if any perſon ſhall convey, or cauſe to be
nveyed, any *diſguiſe, inſtrument, or arms,* to any priſoner in Conveying diſguiſe, inſtruments, &c.
ol, he ſhall be guilty of felony, and be tranſported for ſe-
n years, or be liable to fine and impriſonment. If any per-
n ſhall aſſiſt a priſoner to attempt to eſcape *from any conſtable*
other perſon, who ſhall have lawful charge of him, he ſhall
guilty of felony, and be tranſported for ſeven years. All
oſecutions on this act to be commenced within a year after
e offence committed.

Eſtray.

ESTRAY *is, where any horſes, ſheep, hogs, beaſts, or* ſwans* Kitch 23.
do come into a lordſhip, and are not owned by any man.

It ſeemeth to be agreed, that waifs and ſtrays ought to be Cro. Elin. 716. To be proclaimed.

* N. B. *Bees* are not written in this deſcription, and cannot be reckoned among ſtray goods, yet, where the property cannot be aſcertained, they may be ſeized for the uſe of the king or the lord of the manor.

proclaimed

proclaimed in the two next market towns; and that if t
are not proclaimed, the owner may take the ſtray goods ag
at any time.

Dalt. Sher. 79. How long kept.

He who taketh an *eſtray*, may keep it until he be ſatisfi
for the finding, keeping, and proclaiming thereof.

Kitch 23. When the lord's.

Waifs and ſtrays, not claimed within the year and day,
the lord's.

11 *Mod.* 89.

That is to ſay, after he hath had the beaſt a year and a
from the time of the proclamation, and not from the time
the ſeizure: for after the firſt proclamation it becometh
eſtray, but not ſooner.

Eſtreat.

Eſtreat defined.

ESTREAT *(extractum)* is uſed for the true copy or note
ſome original writing or record, and eſpecially of
and amerciaments, impoſed in the rolls of a court, to be l
vied by the bailiff or other officer.

42 *Ed.* 3. *c.* 9. To have the exchequer ſeal.

In levying, the ſheriff ſhall ſhew the eſtreats under the
of the exchequer, to the party indebted, on pain of treble
mages to the party, and fine to the king, on conviction b
fore the juſtices of the peace, or other juſtices.

11 *H.* 7. *c.* 15. Sheriffs books inſpected.

And the ſheriff ſhall make no eſtreats to levy his own am
ciaments, till two juſtices (1 Q) to be named at Michael
ſeſſions by the *cuſtos rotulorum*, or, in his abſence, by the el
in the commiſſion, have inſpected his books; and the
eſtreats ſhall be indented betwixt the ſaid juſtices and ſher
ſealed with their ſeals, the one part to remain with the juſti
and the other with the ſheriff: and the perſons who
gather the ſaid amerciaments, ſhall be ſworn by the ſaid j
tices, that they ſhall take no more than is forfeited, and c
tained in the ſaid eſtreats.

Evidence.

One in ſome caſes.

BEFORE a juſtice of the peace, in divers caſes, one w
neſs is ſufficient to convict an offender, the ſame being
rected by ſpecial ſtatutes.

7 *W.* *c.* 3. Two in high treaſon.

But in caſe of high treaſon, no perſon ſhall be attain
but upon the oaths of two witneſſes.

29 *G.* 2. *c.* 3. Three in deviſes of lands.

Deviſes of lands ſhall be atteſted by three witneſſes at
leaſt.

2 *Haw.* 429.

The confeſſion of the defendant, whether taken on an
amination before juſtices of the peace, or in diſcourſe with p
vate perſons, hath always been allowed to be given in
dence againſt the party confeſſing, but not againſt others.

Confeſſion, how far evidence.

An attainder, judgment, or conviction of treaſon, felony, perjury, or forgery on 5 *El.* and alſo judgment to ſtand on the pillory, or to be whipped or branded, are good cauſes of exception againſt a witneſs, while they continue in force. *Theor. of Evid.* 107. Exceptions againſt evidence.

The compulſory means to bring in witneſſes are of two kinds. 1. By proceſs of *ſubpœna*, iſſued in the king's name, by the juſtices, or others, where the trial is to be. 2. (which is the more ordinary and more effectual means in criminal caſes) the juſtices that take the examination of the perſon accuſed, and the information of the witneſſes, may, at that time, or at any time after, and before the trial, bind over the witneſſes to appear at the ſeſſions; and in caſe of their refuſal, either to come, or to be bound over, may commit them for their contempt in ſuch refuſal. 2 *H. H.* 282. Evidence, how compelled.

When any poor perſon ſhall appear on recognizance in any court to give evidence, the court may order the treaſurer to pay him ſuch ſum as they ſhall think reaſonable, except in *Middleſex*, where the ſame ſhall be paid by the overſeers of the poor where the perſon was apprehended. 27 *G.* 2. *c.* 3. How paid.

The juſtices in ſeſſions, from time to time, may lay down or alter ſuch rules and regulations concerning any coſts or charges to be allowed to any perſon by virtue of this act, as to them ſhall ſeem juſt; which rules and regulations, having received the approbation and ſignature of one or more of the judges of aſſize, ſhall be binding on all perſons whatſoever. 18 *G.* 3. *c.* 19. Allowance, how ſettled.

If any perſon, upon whom a proceſs out of any of the courts of record ſhall be ſerved, to teſtify or depoſe concerning any matter depending therein, and having tendered unto him a reaſonable ſum for his coſts and charges, do not appear according to the tenor of the proceſs, having not a lawful and reaſonable impediment, he ſhall forfeit 10*l.* and ſhall yield ſuch further recompence to the party aggrieved, as to the judge of the court ſhall ſeem meet. 5 *El. c.* 9. Penalty on non-appearance.

In criminal caſes, if a witneſs hath been bound over, and do not appear, he ſhall forfeit his recognizance. Recognizance forfeited.

He who affirms the matter in iſſue, whether plaintiff or defendant, ought to begin to give evidence. *Lit.* 36.

The evidence both for and againſt a priſoner, ought to be upon oath. Muſt be on oath.

But a quaker's affirmation, in all caſes not being criminal, ſhall be allowed as evidence, without an oath; but in criminal caſes, his affirmation ſhall not be allowed. 7 & 8 *W. c.* 34. Affirmation, when allowed, when not.

It is no ſatisfaction for a witneſs to ſay, that he thinks or perſuades himſelf; the judge ought to have more ground than thinking. *Dyer* 53.

The court may indulge a priſoner in examining the witneſſes apart, but he cannot demand it of right. *St. Tr. V.* 4. 9.

In caſes of life, no evidence is to be given againſt a priſoner, but in his preſence. 2 *Haw.* 428.

Theo. of Evid. 117. In every iſſue, the affirmative is to be proved. A negati cannot regularly be proved.

St. Tr. V. 2. 792. A priſoner may not call witneſſes to diſprove what his o witneſſes have ſworn.

St. Tr. V. 2445. A witneſs ſhall not be permitted to read his evidence, b he may look upon his notes to refreſh his memory.

St. Tr. V. 2792. A witneſs ſhall not be croſs-examined till he has gone th the evidence for the party on whoſe ſide he was produced.

2 *Haw.* 430. Prior teſtimony before a juſtice may be read at the trial. A depoſition taken by a witneſs before a juſtice of the pea may, at the priſoner's deſire, be read at the trial, in order take off the credit of the witneſs, by ſhewing a variation b tween ſuch depoſitions, and the evidence given in court.

There may be four witneſſes put in one *ſubpœna*.

Examination.

Dalt. c. 164. Priſoner, in certain caſes, not diſcharged without bail. IF a felony is committed, and one is brought before a juſti upon ſuſpicion thereof, and the juſtice finds, upon exam nation, that the priſoner is not guilty, yet the juſtice ſhall n diſcharge him, but he muſt either be bailed or committed; f it is not fit that a man once arreſted and charged with felon or ſuſpicion thereof, ſhould be delivered, upon any man's di cretion, without farther trial.

What to be done previous to bail or commitment. In order to which bail or commitment, the examination an information of the parties muſt firſt be taken, according to th following ſtatutes:

1 & 2 *P. & M.* c. 13. Two or more juſtices (1 Q.) or one of the ſaid juſtices, be fore they bail a perſon apprehended for felony (if the offenc is bailable) ſhall take his examination, and the information o them that bring him, of the fact and circumſtances thereof, an the ſame, or as much thereof as ſhall be material to prove th

Examination in writing. felony, ſhall put in writing; which examination they ſhall certify (together with the bailment) at the next general gao delivery, to be holden within the limits of their commiſſion.— And they ſhall have power to bind by recognizance all ſuch a do declare any thing material to prove the offence, to appear at the next general gaol delivery; and ſhall certify ſuch re-

Recognizance to be certified to the court. cognizance in like manner. And if they offend in any thing herein, they ſhall be fined by the juſtices of gaol delivery.

2 & 3 *P. & M.* c. 10. Where the perſon is not bailed, but committed, the juſtice or juſtices who commit him, ſhall, before ſuch commitment, take the like examination and information, and ſhall put the ſame in writing within two days after the ſaid examination, and ſhall in like manner bind over the witneſſes, and certify the whole as above.

Witneſſes bound over.

1 *H. H.* 585. Conſtable may detain the priſoner till next day. If, on ſome reaſonable hindrance, the juſtice cannot, at the return of the warrant, take the examination, he may, by word of mouth, command the conſtable, or any other perſon, to de-

tain

n in cuſtody the priſoner till the next day, and then to ng him before the juſtice, for farther examination.

But the time of the detainer muſt be no longer than is ne- ſary. 2 *Haw.* 119.

The examination of the perſon accuſed ought not to be up- oath. 1 *H. H.* 585.

But if, upon his examination, he ſhall confeſs the matter, ſhall not be amiſs that he ſubſcribe his name or mark to it. *Dalt.* c. 164. Confeſſion to be ſubſcribed.

Which examination being voluntary, and ſworn by the juſ- e or his clerk to be truly taken, may be given in evidence ainſt the party confeſſing, but not againſt others. 2 *Haw.* 429. May be given in evidence.

Exciſe *and* Cuſtoms.

ALL officers, who ſhall have any employment in or about the cuſtoms, ſhall, at their admiſſion, if it is within the rts of London, take an oath of office before two commiſ- ners; and elſewhere, before two juſtices of the peace: and ery perſon not taking ſuch oath, ſhall forfeit his office. And e perſons authoriſed to adminiſter the oath, ſhall certify the king thereof to the next ſeſſions. 6 *W.* c. 1. Oath of officer. To be certified to ſeſſions.

If any carman, porter, waterman, or other perſon, ſhall aſſiſt the taking up, landing, ſhipping off, or carrying away any oods without a warrant and preſence of an officer of e cuſtoms, ſuch perſon being apprehended by the warrant of ny juſtice of the peace, and the ſame being proved by the ath of two witneſſes, the ſaid offender, for the firſt offence, hall, by the juſtice, be committed to gaol, until he be diſ- harged by the lord treaſurer, chancellor, under-treaſurer, or arons of the exchequer; and, for the ſecond offence, he may, y any juſtice of the peace as aforeſaid, be committed to the ext gaol, there to remain for two months without bail, or un- il he ſhall pay to the ſheriff 5l. for the king's uſe, or until e ſhall be diſcharged by the court of exchequer, as aforeſaid. 13 & 14 *G.* 2. c. 11. Penalty on evading cuſtom-houſe officer.

The ſtatute of 8 *G.* c. 18, brings the recognizance not only of the ſaid forfeiture, but alſo of ſeveral others hereafter fol- owing, under the juriſdiction of the juſtices of the peace. All ſeizures may, in a ſummary way, be determined by two juſtices of the peace reſiding near the place where the ſeizure is made; who ſhall ſummon the party accuſed, and, on appearance or default, proceed to hear and give judgment, and iſſue warrants for ſale of ſuch as ſhall be by them condemned; whoſe judg- ment ſhall not be liable to any appeal or certiorari. 8 *G.* c. 18. Juriſdiction of the juſtices in caſe of ſeizures.

In trials of ſeizures, the juſtices ſhall proceed to the merits of the cauſe, without enquiring into the form or manner of ſeizure. 9 *G.* 2. c. 35. Manner of ſeizure not enquired into.

Any officer of the cuſtoms or exciſe, and their aſſiſtants, may arreſt perſons who ſhall be found aiding in unſhipping any un- 19 G. 3 c. 69.

Penalty on aiding in frauds on the customs.

customed or prohibited goods to be laid on land; and forthwith carry them before a justice residing near; who if he see cause, commit the offender to the county gaol till next general quarter-sessions. In which case, the officer enter into recognizance in 40l. to appear and prosecute. At the justices at such sessions shall hear and determine the fence; and, in lieu of any other punishment by any act, may commit the offender to hard labour in the house correction, not exceeding three years, nor less than one.

Commitment from one to three years.

29 *G.* 3. *c.* 69.

Where the officers of customs or excise shall find on board of any ship coming from foreign parts, within the limits any port of this kingdom, more than one hundred pounds weight of tea (not being in an East India ship), or more than hundred gallons of foreign brandy or other foreign spirituous liquors (over and above two gallons for every seaman), not being in casks under sixty gallons, the master, or other person having charge of the ship, shall forfeit 300l. And the said officers, or their assistants, may arrest such master or other person, and carry him before a justice residing near; who shall before the justice, enter into a recognizance of 300l. to appear in the court of exchequer within the first four days of the next term, to any information that may be exhibited against him. And the justice shall transmit the recognizance to the king's remembrancer in the said court. And if such person shall refuse to enter into such recognizance, the justice shall commit him to the next county gaol, till he shall enter into such recognizance.

Tea, brandy.

Penalty 300l. Master may be arrested. How dealt with.

9 *G.* 2. *c.* 35. Person lurking within five miles of the sea coast, &c.

On oath made before a justice of the peace, that any person is lurking within five miles of the sea coast or any navigable river, and that there is reason to suspect that he waits with intent to be aiding in running goods, the justice may grant his warrant to bring him before him; and if he shall not give a satisfactory account of himself and his employment, or otherwise make it appear, that he is not concerned in any clandestine or unlawful business, he shall be committed to the house of correction, to be whipt and kept to hard labour not exceeding one month: And the commissioners of the customs or excise shall cause to be paid to the informer a reward of 20s. for each offender. But if such person shall desire time for clearing himself, he shall not be punished by whipping or other correction, but be committed to the common gaol till he shall do so, or till he find security not to be guilty of any of the said offences.

8 *G. c.* 18. Receiving or buying run goods.

If any person shall knowingly receive or buy any run goods, he shall, on conviction (after summons) by confession, or oath of one witness, before one justice where the offence shall be committed or the offender shall be found, forfeit 20l. half to the informer, and half to the poor, by distress; for want of distress, to be committed to prison for three months.

9 *G.* 2. *c.* 35. Porters carrying run goods, how punished.

All porters, and others, knowingly carrying run or prohibited

goods, and who ſhall be convicted thereof (on appear- or default), on the oath of one witneſs, or confeſſion, be- one juſtice where the offence ſhall be committed or the der found, ſhall forfeit treble value, half to the informer, half to the poor, to be levied by diſtreſs by warrant of juſtice; and for want of diſtreſs, ſhall be committed to the e of correction, to be whipt and kept to hard labour not eeding three months. Perſons being two or more in com- y, who ſhall be found paſſing within five miles from the t with more than ſix pounds of tea, or ſpirituous liquors exceeding five gallons, not having paid the duties, and not ing a permit, or any other foreign goods of above 30l. va- landed without entry and payment of duties, and who l carry any offenſive arms, or wear any diſguiſe, or ſhall ibly obſtruct, or reſiſt any officer of the cuſtoms or exciſe, l be deemed runners of foreign goods. And if any officer ther perſon ſhall loſe any limb, or be otherwiſe maimed or gerouſly wounded in endeavouring to apprehend him, he l, on the conviction of ſuch offender, have a reward of 50l. r and above any other reward he may be entitled to by this And if any perſon be killed in endeavouring to appre- d ſuch offender, his executors or adminiſtrators (on certifi- e under hand and ſeal of the judge of aſſize for the county ere the act was done, or of the two next juſtices of the peace, ſuch perſon being ſo killed) ſhall have 50l. over and above y other reward they may be entitled to by this act.

Perſons carrying tea, ſpirits, &c. without permit.

Perſons obſtructing officers deemed runners of goods.

Officers wounded, how recompenſed.

If any perſons, to the number of two or more, ſhall be found ſſing with any horſe, cart, or carriage, whereon ſhall be len more than ſix pounds weight of tea, or foreign ſpirituous uors exceeding five gallons, not having paid the duty, and t having a permit, and ſhall carry any offenſive arms, or ear any diſguiſe, when paſſing with ſuch tea or ſpirituous li- ors; any officer of the cuſtoms or exciſe, and all other per- ns acting in their aid, may arreſt the offenders, and carry em before a juſtice, who, if he ſee cauſe, ſhall commit them the county gaol, 'till the next general quarter-ſeſſions.— nd in ſuch caſe, the officer, who conveys any ſuch offender fore the juſtice, ſhall enter into recognizance in 40l. to ap- ear and proſecute. And the commiſſioner ſhall order the arges of proſecution to be paid by the receiver-general of the ſtoms or exciſe reſpectively. And the juſtices, at ſuch ſeſ- ons, ſhall hear and determine the offence. And if the offender e convicted, they ſhall, in lieu of any other puniſhment by y former act, commit him to hard labour in the houſe of rrection, not exceeding three years, nor leſs than one.

19 *G.* 3. *c.* 69.

Arms or diſguiſe.

Charges of proſecution, how paid.

Offender, how puniſhed.

And, upon information on oath before a juſtice of the peace, any perſons, to the number of three or more, are or have een aſſembled, to be aiding in the clandeſtine running, land- ng, or carrying away prohibited and uncuſtomed goods, or to eſcue them after ſeizure, and armed with fire arms or other offenſive

9 *G.* 2. *c.* 35. Three or more aſſembling, armed to land goods.

offenſive weapons, he ſhall grant his warrant to the conſta
and other peace-officers, requiring them to take to their
ſiſtance as many as may be thought neceſſary for apprehend
ſuch perſons; and he may, if on examination he find cau
commit them to the next county gaol, there to remain with
bail or mainprize, until they be diſcharged by due cours
law; and ſuch perſons, on conviction of their being aſſemb
and armed as aforeſaid, ſhall be adjudged guilty of felony,
tranſported for ſeven years.

19 G. 2. c. 34. Or to export them when prohibited.

If any perſons, to the number of three or more, armed w
fire arms or other offenſive weapons, ſhall be aſſembled in
der to aſſiſt in the exportation of goods prohibited to be
ported, or in running any prohibited or uncuſtomed goo
they ſhall be guilty of felony without benefit of clergy. A
if any perſons be charged with any the ſaid offences, befor
juſtice of the peace, by information on oath of one or m
credible perſons to be ſubſcribed by him or them, the juſ

Juſtice, how to act.

ſhall forthwith certify the ſame under his hand and ſeal, t
return the information to one of the ſecretaries of ſtate, w
ſhall lay the ſame before the king in council; who may the
upon make his order, commanding the offender to ſurrend
in forty days after the firſt publication thereof in the gaze
to the lord chief juſtice, or any other of the juſtices of t
king's bench, or to ſome juſtice of the peace, who thereon h
commit him to gaol, to anſwer the charge againſt him acco
ing to due courſe of law. And if ſuch offender ſhall not ſ
render purſuant to ſuch order, or eſcape after ſurrender,
ſhall be attainted of felony without benefit of clergy. And
any perſon, after the time appointed for ſurrender, ſhall kno

Penalty on harbouring offender.

ingly harbour ſuch offender, he ſhall, on conviction within
year, be guilty of felony, and tranſported for ſeven years. A
every perſon who ſhall take, or diſcover ſo that he may
taken, any perſon ſo advertiſed and not ſurrendering, t

Reward for taking him.

cauſe him to be brought before the judge of the king's bench
or juſtice of the peace for London or Middleſex (who ſha
commit him to Newgate), ſhall receive 500l. in one mont
after execution awarded, from the commiſſioners of the cuſto
of exciſe reſpectively: And if any perſon ſhall be killed in a
prehending ſuch offender, his executors or adminiſtrators ſh
receive 100l.

13 & 14 C. 2. c. 11. Wounding or abuſing officers of the cuſtoms.

Where any officer or officers of the cuſtoms ſhall be by a
perſon armed, beaten or wounded, to the hazard of their live
in execution of their office, every perſon ſo abuſing any ſuc
officer or his deputy, ſhall, by the next juſtice or other mag
ſtrate, be committed to priſon 'till the next quarter-ſeſſions; an
the ſaid ſeſſions ſhall puniſh him by fine, not exceeding 10
and the offender to remain in priſon 'till he be diſcharged, b
order of the exchequer, both of the fine and of the impriſo
ment, or diſcover the perſon that ſet him on work.

any officer, or other person employed in seising any goods 8 G. 2. c. 34.
ited, or in endeavouring to apprehend offenders against
act, shall be beaten or killed, or the goods seised be res-
, the hundred shall answer damages, and also pay 100l. Damages answered by the hundred.
e executors or administrators of such person killed, so as
sum for beating exceed not 40l. nor for the loss of goods
, to be recovered and levied as in cases of robbery by the
s. But no person shall recover damages for such beating Steps to recover damages.
s of goods, unless he give notice in four days to two in-
tants near, and in eight days make oath before a justice,
ther he knew any of the persons concerned; and if he did,
hall be bound over to prosecute; and unless, besides the
notice and recognizance, he give such notice, and enter
such recognizance as persons robbed, by the 8 G. 2. are
cted to give.

any officer of the customs or excise shall not use his best 19 G. 3. c. 69. Neglect of officers.
eavours to seize any tea, coffee, or foreign spirituous li-
rs, or to stop, detain, and carry before one or more justices
offender, in such case, one justice residing near to the
e where such officer shall make default, on complaint
eof made to him within three months after such default,
examine into the truth of such complaint; and if it shall
ear to the said justice, that there is reasonable ground for
complaint, he shall transmit the said complaint, together
the examinations taken before him thereon, unto the
missioners of the customs or excise respectively; who shall,
uch ways and means as to them shall seem meet, examine
the truth of the premises. And in case they shall think
on the ground thereof, to dismiss the officer from his ma- Incapacity, if dismissed.
's service, he shall be incapable of executing any office in
customs or excise for the future. Provided, that no per-
shall be compelled to go above five miles from his usual
e of abode, to be examined before any justice, upon any
plaint made to him as aforesaid.

Excise in general.

NO person shall be capable of intermeddling with any of- 12 C. 2. c. 24.
relating to the excise, until he shall, before two justices in
county where his employment shall be, or before a baron
he exchequer, take the oaths of allegiance and supremacy,
ether with this oath following: Excise officer's oath.

You shall swear to execute the office of —— truly and faithfully, without favour or affection, and shall, from time to time, true account make, and deliver to such person or persons as his Majesty shall appoint to receive the same, and shall take no fee or reward for the execution of the said office, from any other person but from his Majesty, or those whom his Majesty shall appoint in that behalf.

And

12 C. 2. c. 24. To be certified to the sessions.

And the justices shall certify the taking of such oath to next quarter-sessions, there to be recorded.

Declaration to be subscribed within six months.

And he shall also, within six months after his admissi the office, take the oaths and subscribe the declaration ag transubstantiation, at the quarter-sessions, in like manne other persons admitted to offices.

Gilb. Exch. Collector's duty.

The collector's business is, every six weeks, to go his rou and, in the intervals of rounds, he is to be assisting in prosi ing offenders before the justices.

12 *Car.* 2. *c.* 24. Appeals, by whom heard.

In case of appeals, they shall be heard and determine any two or more justices of the peace, residing near to place where such forfeitures shall be made, or offence com ted: And in case of neglect or refusal of such justices by space of fourteen days next after complaint made, and tice thereof given to the offender, the sub-commissioners hear and determine the same.

7 & 8 *W.* *c.* 30. Witnesses punished for non-appearance.

The commissioners and justices may summon witnesses appear before them at a certain day, time, and place, to be sserted in such summons, and to give evidence; and in ca neglect or refusal to appear, or if, upon appearance, any refuse to give evidence, he shall forfeit 10*l.*

12 *G.* *c.* 28. Goods seized to be valued on oath.

One or more justices shall have power to administer an to any person skilled in the value of goods, vessels, or carria mentioned to have been seized in any information exhib before the justices, who shall view the same; and, after demnation, the said goods shall be sold where the com sioners shall think proper.

12 *Car.* 2. *c.* 24. Penalties mitigated.

The justices, commissioners, sub-commissioners, respectiv where they shall see cause, may mitigate, compound, or l the forfeiture, penalty, or fine; so as the same be not l less than double the value of the duty of excise which o to have been paid, besides the reasonable costs and charg such officers or others, as were employed therein, to be to allowed by the said justices.

Ale, Cyder, Perry, Vinegar, &c.

6 *G.* 3. *c.* 14. Duties, in what cases, returned.

"IF cyder or perry, having paid the duties, shall afterwa by being unfit for sale as cyder or perry, be charged with duties on vinegar; three commissioners of excise, or two tices, on proof thereof, shall discharge the duties thereon posed by this act.

15 *Car.* 2. *c.* 11.

As often as there shall be occasion, two able artists shall appointed, one of them by the commissioners or sub-comm sioners, and the other by the brewers of any city or pla who shall be sworn before a justice, to take and compute just contents and gage of all coppers, fats, and brewing ves and to deliver, under their hands, one copy of the contents

Coppers, &c. gauged.

commiſſioners and ſub-commiſſioners, and another to each ective brewer.

he commiſſioners of exciſe or appeals, or juſtices of the e, on complaint of any overcharge returned upon them by gager, ſhall hear and determine the complaint; and exne witneſſes on oath, and thereupon, or by other due proof, diſcharge ſuch complainant of ſo much of his charge as be made out before them.

1 *W. ſ.* 1. *c.* 24. Complaint of overcharge determined.

Candles.

F the officer ſhall have cauſe to ſuſpect, that candles are vately making, to avoid the duty, on oath made by ſuch of- r before a commiſſioner, or one juſtice reſiding near to the ce, ſetting forth the ground of his ſuſpicion, ſuch commiſner or juſtice may, if he ſhall judge it reaſonable, by ſpel warrant authorize ſuch officer, by day or night (but if in night, in preſence of a conſtable), to enter into every ſuch ce ſuſpected, and to ſeize and carry away, as forfeited, all h candles as he ſhall there find ſo privately making, toge- r with all materials then ready or preparing for making the ne; and alſo all ſuch candles as he ſhall find ſo concealed, gether with the boxes or other package containing the ſame: nd the perſon that ſhall be found privately making ſuch ndles, or in whoſe poſſeſſion any ſuch ſhall be found, ſhall rfeit 100l.

5 *G.* 3. *c.* 43. Privately made to avoid the duty.

Seized and forfeited.

No perſon reſiding within the limits of the head office of ciſe in London, ſhall make candles, unleſs he occupy a teement of 10l. per ann. and pay pariſh rates for the ſame; nor any other part of the kingdom, unleſs he pay to church and oor.

23 *G.* 3. *c.* 74. Who may make candles.

By 8 *Ann. c.* 9. monthly entries were to be made in London nd Weſtminſter, and entries every ſix weeks elſewhere, by all nakers of candles; which clauſes are repealed; and, by this ct, all perſons making candles, ſhall every week make a true ntry of the candles made within each week, at the next office f exciſe, on pain of forfeiting 20l. and they ſhall pay and clear ff all the duties within one week after ſuch entry is made.

Monthly entries, or every ſix weeks, by 8 *Ann. c.* 9. Weekly entries and payments, now required.

Six hours' notice within the limits of the head office of exiſe in London, and twenty-four hours' notice elſewhere ſhall be given, before any chandler begins making candles, on penalty of 50l. if ſuch notice is not given, and the making muſt be begun within three hours of the time mentioned in the ſaid notice, or the notice is null and void.

Notice to officers.

If any officer of exciſe ſhall diſcover that the making of candles is privately carried on, without notice given, and he ſhall diſcover any perſon knowingly aſſiſting therein, every perſon ſo diſcovered, ſhall forfeit 20l. over and above all penalties

Penalty for not giving notice.

that the proprietor or maker of such candles shall be liable to the offender to be stopt, detained, and conveyed by the said officer of excise, and all other persons acting in his aid, before one or more justice or justices of the peace, who, on confession or proof by the oath of one or more credible witness, may convict the persons so discovered, who shall immediately pay the said 20l. into the hands of the officer, or shall commit the offender to the house of correction to hard labour for two months from the day of such conviction. The penalty as to time of imprisonment to be doubled for the second offence.

Penalties, how applied.

One moiety of the penalties imposed by this act, shall be to his majesty, the other to him or them that shall inform, discover, or sue for the same. The action or suit must be commenced within three months, with treble costs to the defendant, if the verdict shall pass in his or their favour.

Tea, Coffee, and Chocolate.

10 G. 2. c. 10. If suspected, to be concealed.

IF any officer shall have cause to suspect, that any of the said goods shall be concealed, if it is within the bills, then on oath made before two commissioners, or elsewhere, before one or more justices, setting forth the ground of his suspicion, they may, by warrant, authorize such officer by day or night; but if in the night, then in presence of a constable, to enter the place suspected, and seize and carry away the same (if found) as forfeited, together with the bags, canisters, and other package; and if any person shall obstruct such officer, he shall forfeit 100l.

Constable, if by night.

Officer obstructed.

11 G. 3. c. 30. False entries.

Two commissioners, or any justice of peace, on complaint by an officer on oath, that he suspects any dealer not to have made true entries, may summon such suspected person to appear with his books, and examine him on oath touching the truth of his entry; and if he shall refuse or neglect to appear, or to make such oath, he shall forfeit 20l.

17 G. 3. c. 29. Tea adulterated.

If any person shall dye or manufacture any sloe leaves, liquorice leaves, or the leaves of tea that have been used, or the leaves of any tree, shrub, or plant, in imitation of tea, and shall be thereof convicted upon the oath of one witness before one justice, he shall, for every pound of such leaves, forfeit 5l. and on non-payment thereof, such justice shall commit him to the common gaol for any time not exceeding twelve months, nor less than six, or until the penalty and charges shall be paid.—And if any person shall have in his custody any quantity (exceeding six pounds weight) of such leaves, and shall not prove, to the satisfaction of the justice, that such leaves were gathered with the consent of the owner of the trees, for some other use, and not for the purpose of manufacturing them in imitation of tea, and shall be convicted thereof by the oath of one witness before

re one justice, he shall, for every pound of such green or ufactured leaves so found in his custody, forfeit the sum of nd, on non-payment thereof, the justice shall commit him he common gaol for any time not exceeding twelve ths, nor less than six, or until the penalty and charges shall aid. And if any excise officer or other person shall have e to suspect that any such leaves shall be concealed in any e, on oath made before a justice, setting forth the ground is suspicion, the justice may, if he judge it reasonable, by warrant, authorize such officer or other person, by day or ht (but if in the night, then in presence of a constable), to r such place, and to seize and carry away, as forfeited, all leaves, together with all the waggons, carts, boxes, &c. taining the same: And the said justice, or any other jus- where such seizure shall be made, shall, on proof of the mises by the oath of one witness, by his warrant, order the es so seized to be carried to some convenient place, and e to be burned or otherwise destroyed; and the said wag- s, carts, boxes, &c. to be sold, and the money arising by h sale, after deducting the charges of seizure and sale, and he burning or otherwise destroying the leaves, to be paid f to the informer, and half to the poor: And if any person ll obstruct such officer, he shall forfeit 50l. on conviction by oath of one witness before one justice; and, on non-pay- nt, the justice shall commit him to the common gaol for any e not exceeding twelve months, nor less than six, or until penalty and charges shall be paid.

Leaves, &c. concealed.

Provided, that no such leaves shall be burned or otherwise troyed, if the owner thereof shall, within twenty-four hours er seizure, prove to the satisfaction of the justice, that they re gathered with consent of the owner, for some other use; which case, the said leaves, &c. shall, by order of such jus- e, be restored.

17 G. 3. c. 29.

In what case restored.

If any officer of excise shall find any increase in the stock of y dealer in teas, coffee, &c. [and spirituous liquors, unless mixing water] since his last survey, such increase of the said ck shall be forfeited, and the person in whose stock such in- ase shall be found, shall also forfeit the sum of 20l.

Fraudulent increase of stock of teas, &c.

The conviction shall be written on parchment or paper, in is or the like form: *Be it remembered, that on the —— day of —, in the year ——* A. B. *was, upon complaint of* C. D. *nvicted before me one of the justices of the peace for ——, in rsuance of an act passed in the seventeenth year of the reign of his ajesty king George the third, for* [here set forth the offence.] *iven under my hand and seal the day and year above written:* nd shall be certified by the justice to the next sessions; and all not be quashed for want of form, nor removed by *certiorari* to his majesty's court of king's bench.

11 G. c. 30. Form of conviction.

On re-working chocolate, proof shall be made (before the commissioners within the bills, and before two justices elsewhere)

Id. Chocolate re-worked.

where) that the duties for the cocoa-nuts whereof it was m and for those also which are added, have been paid, and chocolate entered.

9 *G.* 2. *c.* 35. Tea sold without permit.

If any person shall offer any tea to sale, not having a mit; or any pedlar, or other trading person, going from to town, although he have a permit, the person to whom offered to sale may seize and detain the same, and carry the next warehouse belonging to the customs or excise, bring the person before a justice of the peace, to be by committed to prison, and prosecuted for the penalties incu for such offence.

Glass.

17 *G.* 3. *c.* 39. Who restrained from acting as justices.

NO person concerned in the glass-trade, or in any g house, shall act as a justice in any matter relating to d thereon.

Hops.

14 *G.* 3. *c.* 68. Mark *after* weight.

IF the officer shall put his mark of the weight of the h upon any bag, before he hath weighed such bags and h therein, he shall forfeit 40s. on conviction before one just by confession, or oath of one witness, by distress; half to informer, and half to the overseers for the use of the poo

Altering mark, how punished.

And if any person shall forge, alter, or obliterate any f mark on such bag or pocket, he shall forfeit 10l. in like m ner; and, in default of payment, shall be imprisoned months, or until he shall have paid the penalty. Compla shall be made within six calendar months.

Cutting hop binds.

If any person shall unlawfully and maliciously cut any h binds, see *Black Act*.

Leather.

9 *An.* *c.* 11. Tanners entry.

TANNERS and others shall, before the carrying away goods from the place of drying, make entry with the officer the number and quality, and verify the same on oath, to be ministered by any justice of the peace, or collector or sup visor; and they shall not remove any of the said goods fr the place of drying, until the duty be first charged, tered, and marked, on pain of forfeiting 20l. half to the kin

Two justices to hear and determine.

and half to the informer. Any two justices residing near, m hear and determine offences; who shall, on information complaint in three months after seizure made, or offence co mitted, summon the party accused, and the witnesses, and, appearance or contempt of the party (on proof of notice given sha

ll examine witneſſes on oath, and give judgment, and iſſue rrants for levying the pecuniary penalties by diſtreſs and (if not redeemed in ſix days). And they may mitigate the nalties, the charges of the officers being always allowed over d above the mitigation; and ſo as the mitigation do not re- ce the penalties to leſs than one fourth part, over and above charges. Perſons aggrieved may appeal to the next ſeſ- ns. And no certiorari ſhall be allowed.

Linen Cloth, Silks, and Cottons.

NO perſon ſhall uſe or wear in any apparel, any printed, inted, ſtained, or dyed callico, on pain of 5l. to the in- rmer, on conviction, on the oath of one witneſs before one ſtice, who ſhall, on information, on oath, in ſix days after e offence, ſummon the party, and, upon his appearance or ntempt, examine the matter, and, on proof by confeſſion, or th of one witneſs, determine the ſame, and, on conviction, uſe the penalty to be levied by diſtreſs and ſale, rendering the verplus (charges of diſtreſs and ſale being firſt deducted): rovided that perſons aggrieved may appeal to the next quar- r-ſeſſions, giving ſix days notice. *7 G. ſ. 1. c. 7.* Penalty for wearing. Power of appeal.

Upon oath made by any perſon, that he hath reaſon to ſuſ- ect that any ſuch ſtuffs are in the cuſtody of any draper or ther perſon for his uſe, without having thereupon ſuch tamps or marks as the law directs; two commiſſioners within the bills, and two juſtices elſewhere, ſhall iſſue their warrant to any officer of the cuſtoms, with the aſſiſtance of a conſtable, in the day time, to ſearch for the ſame, and to ſeize ſuch goods, and bring them to the next office for the ſaid duties. One moiety of the penalties and forfeitures on this act ſhall be to the king, and the other moiety to him who ſhall ſue. If any queſtion ſhall ariſe, whether any of the ſaid ſtuffs wholly made of cotton were manufactured in Great Britain; the proof ſhall lie on the owner, and not on the proſecutor.— The penalties of this act ſhall not extend to ſuch cloths as are dyed altogether in blue. *7 G. ſ. 1. c. 7.* Unſtamped goods. Blue cloths exempted.

Malt.

THE juſtices in ſeſſions, and the ſteward in the leet, may hear and determine the time for making malt, as well by preſentment of twelve men, as by accuſation or information of two honeſt witneſſes. If the bailiffs and conſtables of the town where malt ſhall be made, or put to ſale, ſhall find it to be evil made or mingled with evil malt, they ſhall, with the advice of one juſtice, cauſe it to be ſold to ſuch perſons, and at *2 & 3 Ed. 6 c. 10.* Time of making, by whom determined. Malt adulterated.

at ſuch reaſonable prices, and under the common price of the market, as to him ſhall ſeem neceſſary and expedient.

12 *Ann. ſt.* 1. *c.* 2. Drawback in certain caſes.

After the duty is paid, if any quantity ſhall be damaged by the ſinking of the veſſel in which the malt ſhall be tranſported from one part of the kingdom to another; the juſtices ſhall at the next ſeſſions, on proof of ſuch damage and of the payment of the duty, ſettle the quantity of the damage, and the allowance to be made in reſpect thereof, and give a certificate of the ſum allowed, which ſhall bear the ſame proportion to the whole duty, as the damage ſhall bear to the value of the malt: on producing of which certificate, the officer ſhall repay or allow to the proprietor the ſum certified. But where ſuch loſs ſhall happen, the perſon who ſhall ſuſtain the ſame, ſhall three days before the next ſeſſions, leave notice thereof in writing with the collector of the diſtrict where the loſs ſhall happen, and of his intention of applying to the ſaid ſeſſions. After the duty is paid, if any malt ſhall be deſtroyed by fire, the owner may make proof thereof by two witneſſes on oath, and of his having paid the duty, at the next quarter-ſeſſions where ſuch accident ſhall happen; who ſhall grant a certificate of ſuch loſs, on producing of which, the duty ſhall be repaid.

3 *G.* 3. *c.* 13.

Every maltſter, in any city or ſuburbs thereof, or market town, ſhall give notice in writing to the officer of excife, twenty-four hours (and elſewhere forty-eight hours) before he or ſhe ſhall begin to wet any corn or grain to be made into malt; and if they do not begin at the time, they are to give freſh notice. The hours of ſetting to work muſt be between four A. M. and nine P. M.

Neglecting or refuſing to give notice, or freſh notice, if this becomes void; or not covering the whole with water, or wetting at improper hours, or not continuing the ſame covered with water for full forty hours; or adding freſh grain to the corn in ſteeping, after the account hath been taken by the officer, ſhall forfeit 100l.

24 *G.* 2. *c.* 40. Application of penalties.

The penalties relating to this article (except where it is otherwiſe directed) ſhall be ſued for, levied, and mitigated as by the laws of exciſe, or in the courts at Weſtminſter; and be applied half to the uſe of the king, and half to him that ſhall ſue.

1 *G.* 2. *ſt.* 2. *c.* 16. Power of appeal.

Perſons aggrieved by any judgment of the juſtices, may appeal to the next quarter-ſeſſions, giving ſix days notice in writing.

12 *Ann. ſt.* 1. *c.* 2.

And the ſeſſions may award coſts to either party, to be levied by warrant of the juſtices, or two of them, on the goods of the party. And no certiorari ſhall be allowed, to ſet aſide any order of the juſtices.

Paper.

Paper.

24 G. 2. c. 40. Excise laws applicable.

LL the excise laws shall be in force for managing these es; and the penalties shall be sued for, levied, mitigated disposed of, as by the laws of excise.

21 G. 3. c. 24. Other duties granted.

y 21 G. 3. c. 24. the statutes of 10 and 21 *Ann.* and 13 3. respecting the duties on paper, &c. are repealed, and r duties are granted in lieu thereof.

Drawback of duties.

fter the duties by this act imposed on paper, &c. if any ntity of paper, &c. shall happen to be damaged by the ing away or sinking of the barge or vessel in which the said er shall be transported from one part of this kingdom to ther within the same, the justices of the peace where such ident shall happen, shall, at the next general quarter-sessions e held for such county, &c. upon proof of such damage, of payment of the duties as aforesaid, determine and settle quantity of the damage; and give a certificate under ir hands and seals of the sum allowed. Where any such loss damage shall happen as aforesaid, the person or persons who ll sustain the same shall, three days at least before the next arter-sessions, give or leave notice, in writing thereof with collector of excise, of his and their intention of applying, he next general quarter-sessions of the peace, for an allow- e in respect of such damage or loss.

Notice of application.

Plate.

12 & 13 *W.* c. 4. Goldsmith's entry.

EVERY goldsmith, silversmith, and plate-worker, shall, fore he takes upon him to exercise the said trade, enter his me and mark, and place of abode, with the wardens of the mpany where an assayer is: And if he shall not make such try, or shall strike any other mark, but what is so entered, shall forfeit double value, half to the king, and half to him at shall sue.

Penalty for not making it.

32 G. 2. c. 34.

No goldsmith or silversmith shall sell any piece of plate or ods, or any ware in which the quantity of gold shall be of e weight of two ounces or upwards, or in which the quantity silver shall be of the weight of thirty ounces or upwards, less he shall have first paid a duty of 5l. for a licence. And is licence to be taken out yearly, ten days before the ex- ration of twelve calendar months from taking out the first ence; under a penalty of 20l. This act extends to persons lling gold or silver plate by auction, and also to pawn- okers and refiners, who are required yearly to renew their li- nce.

Duty to be paid for a licence, yearly.

31 G. 2. c. 32. Before whom prosecuted.

Prosecutions for offences against this act may be in the courts Westminster; or otherwise, if within the limits of the chief fice of excise in London, the same may be before three com- issioners of excise, and in case of appeal before the commis-

sioners

sioners of appeal; and elsewhere, before two justices resid near to the place where the offence was committed.

31 G. 2. c. 32. And the said commissioners and justices respectively, sh upon complaint or information on oath, summon the pa accused; and, upon his appearance or contempt, shall p ceed to the examination of the fact; and, on due proof be made thereof by confession, or oath of one witness, shall g judgment; and issue warrants under their hands for levy the penalties by distress (if not redeemed in fourteen day and for want of sufficient distress, shall imprison the offen till satisfaction is made.

Penalties levied by distress.

32 G. 2. c. 24. May be mitigated. And they may mitigate the penalties of 20l. as by the l of excise.

31 G. 2. c. 32. Id. Persons aggrieved may appeal to the next sessions.

Disposal of forfeitures. All forfeitures (the necessary charges for the recovery the of being deducted) shall be distributed, half to the king, a half to him who shall inform or sue.

Salt.

5 W. c. 7. NO person shall be capable of any office relating to th duties (other than that of chief commissioner) until he sh before two commissioners, or two justices of the peace wh he shall be appointed officer, take the oaths of allegiance a supremacy, and the oath of office.

Officer to take the oaths.

10 & 11 W. c. 22. Allowance to refiners. When any rock salt, for which the duties shall have be paid or secured, shall be melted and refined, the person w shall refine it, shall have an abatement out of the duty of t white salt, of so much as was charged on the said rock melted and refined; so as the rock so refined were before t melting thereof weighed in the presence of the officer; and as oath be first made before a justice near adjoining, of t particular quantity of rock salt by such refiner employed making the said white salt; and so as due proof be made up oath or otherwise, that the duties for the said rock salt so r fined were paid or secured.

7 & 8 W. c. 31. The collector shall provide at every salt-work or pit, s ficient scales and weights for weighing the salt that shall delivered from thence; and one or more persons living ne shall be admitted and sworn to the true weighing of such s before one justice near adjoining, without fee; and he shall paid by the collector or officer for the duties. The lord may and aldermen in London, and the justices of the peace in t country at their general sessions, may set and publish in wri ing the prices of salt, and alter the same as there shall be c casion; and persons refusing to sell at such price, or selling a higher price, shall forfeit 5l. half to the king, and half the informer, by distress, by warrant of the lord mayor, or a

Weight to be sworn to.

Price regulated.

suc

ch justice; and in default of sufficient distress, shall be im-
isoned till paid.

No person dealing in salt, shall *sell* it otherwise than by eight, after the rate of 56 pounds to the bushel, on pain of to the informer; to be determined by two justices residing ar: And the party grieved may appeal to the next sessions. nd the said justices shall, on complaint, summon the party cused, and, on appearance or contempt, examine the mat-r, and, on proof by the oath of two witnesses, or confession, ve judgment, and shall issue their warrant to levy the same distress, and cause sale thereof to be made, if not redeemed six days, rendering the overplus, and for want of sufficient istress, shall imprison the offender till satisfaction is made. 9 & 10 *W.* c. 6. To be sold only by weight. Penalty, with power of appeals.

No person shall *buy* salt otherwise than by weight, and not measure; on pain of 10s. a bushel, and so proportionably. 1 *An.* st. 1. c. 21. Penalty on buyer.

Where any salt that hath paid duty is lost at sea, the mer-hant or owner of the salt shall, on proof made by the oath of wo witnesses, whereof the master or mate shall be one, at the uarter-sessions, that the same was not occasioned by any ne-ligence or default of the master or mariners, receive from the id sessions a certificate that such proof was made before them; nd, on producing the certificate to the salt officer, he shall let im buy the like quantity duty free. 2 & 3 *An.* c. 14. Allowance of duty.

If any person is aggrieved by an order of two justices relat-g to the duties upon salt, or to any forfeiture or offence con-erning the same, he may appeal to the next quarter-sessions. 10 & 11 *W.* c. 22. Persons aggrieved may appeal.

But no dealer in salt shall act as a justice of the peace in any matter relating to the duties upon salt; and if there shall not e a sufficient number of justices in any corporation, not ealers in salt, the justices of the county shall have power to ct therein. 1 *Ann.* st. 1. c. 21. No dealer to act as a justice.

Soap.

THE duty on all soap made within the kingdom, is one penny half-penny a pound. Duty on soap.

No maker shall have any private pipe or conveyance, on pain of 200l. And if any person shall obstruct the officer in his search, he shall forfeit 100l. Provided, that if upon search no such pipe shall be found, the officer shall make good the damage done to the ground, wall, or other place, or make satisfaction to the owner, to be adjudged by the two next justices; or he may bring his action for the damages. 17 *G.* 3. c. 32. Penalty on private pipe, &c. Officer obstructed. Damage, when and how to be made good.

If the officer shall have cause to suspect, that soap is privately making in any place, or that any soap is concealed with intent to avoid the duty, in such case, on oath made by such officer before a commissioner, or one justice residing near to the place, setting forth the ground of his suspicion, such commissioner 5 *G.* 3. c. 43. Concealment to avoid duty.

sioner or justice may, if he shall judge it reasonable, by spe warrant authorize such officer, by day or night (but if in night, in presence of a constable), to enter into every s place suspected, and to seize and carry away as forfeited, such soap, as he shall there find so privately making, toget with all materials then ready or preparing for making of so and likewise all such soap as he shall find so concealed, to ther with the boxes or other package: And the person shall be found privately making soap, or in whose poss such soap shall be found, shall forfeit 100l.

Soap privately made, seized.

23 G. 2. c. 21. Where any such soap shall be seized as forfeited, and person shall claim the same in twenty days, the justices s proceed to trial and condemnation thereof. And the jud ment thereon shall not be liable to any appeal, or be remov by certiorari. But in any other case, if the party is not sat fied with any judgment of the justices, he may appeal to next quarter-session. And on information, the mitigat shall not reduce the penalty to less than a fourth part, o and above the costs to be allowed.

Condemned in twenty days.

Power of appeal.

Mitigation of penalty.

Spirituous Liquors.

12 G. c. 30. Concealment of spirits. IF any officer of the excise have cause to suspect, that a foreign spirits shall be fraudulently concealed in any place, e tered or not entered, if it is within the bills of mortality, th on oath made before two commissioners, if elsewhere, bef one justice, where he suspects them to be concealed, settin forth the ground of his suspicion; he or they may, by speci warrant, authorize such officer by day or night (but if in t night, in presence of a constable) to enter, seize, and carr away the same as forfeited, together with the casks or vessel And if any person shall obstruct such officer, he shall forfe 100l.

Officer may enter, but if by night, with a constable.

10 & 11 W.) c. 4. If any officer of excise shall have cause to suspect any privat still, back, or other vessel, spirits, low wines, wash, or othe materials prepared for distillation, to be set up or kept in an place, and shall make affidavit before a justice of the peace, and therein declare the grounds of his suspicion, he may, in the day-time, and in presence of a constable, by warrant from such justice to be directed to such officer of excise, break open the door, or any part of such suspected house or place, and en ter and seize the same, and detain them there; and if they shall not, in twenty days, be claimed by the owner, they shall be forfeited, and sold at the next general day of sale; and if they be claimed in twenty days, the person claiming shall for feit, for every warehouse or other place, in which any such still, back, or other vessel shall be found, and also for every such still, back, and other vessel found therein, 200l.

Warrant to officer, on oath. Spirits and vessels seized.

Claimant's forfeiture.

He

He ſhall, by a ſubſequent act, incur this forfeiture, whether he ſhall make any ſuch claim or not. 10 & 11 *W.* *c.* 21. or if not claiming, 23 *G.* 3. *c.* 7.

In caſe any officer or officers of exciſe ſhall know, or have cauſe to ſuſpect, that any private or concealed ſtill, back, or other veſſel, ſpirits, low wines, waſh, or other materials, preparing for diſtillation, are ſet up or kept in any houſe or place; ſuch houſe or place ſhall be within the limits of the chief office of exciſe, upon oath made by ſuch officer or officers before the commiſſioners of exciſe, or any two or more of them; or, in caſe the ſame ſhall be in any other part of Great Britain, upon oath made by ſuch officer or officers, before one or more juſtice or juſtices of the peace of the county, riding, diviſion, or place, where ſuch officer or officers ſhall ſuſpect the ſame to be ſet up and kept, ſetting forth the ground of ſuch his or their ſuſpicion; it ſhall and may be lawful to and for the ſaid commiſſioners of exciſe, or juſtice or juſtices of the peace reſpectively, before whom ſuch affidavit or affidavits ſhall be made, if he or they ſhall judge it reaſonable, by ſpecial warrant under his or their reſpective hands and ſeals, to authorize and impower ſuch officer or officers, by day or night (but if in the night-time, then in the preſence of a conſtable, or other lawful officer of the peace, who are hereby required to be aiding and aſſiſting therein), to break open the doors or any part of ſuch houſe or place, where he or they ſhall ſo know or ſuſpect ſuch private or concealed ſtill, back, &c. are ſo ſet up and kept, and to enter into ſuch houſe or place, and to ſeize all and every ſuch ſtills, or other veſſels, and all ſuch materials preparing for diſtillation, which he or they ſhall find and diſcover, and either to detain and keep the ſame in the houſe or place where found, or to remove the ſame to the office of exciſe next to the place where the ſame ſhall be ſo diſcovered and found; and in caſe the ſame ſhall not, within ten days next after ſuch ſeizure, be claimed by the true and lawful owner thereof, then the ſaid materials for diſtillation ſhall be abſolutely forfeited, and the proprietor of any ſuch private or concealed ſtill, back, or other veſſel, or the perſon in whoſe cuſtody the ſame ſhall be found, ſhall forfeit and loſe, for every place in which ſuch private ſtill, back, or other veſſel, ſhall be found, and alſo for every ſuch ſtill, back, and veſſel, found therein, the ſum of two hundred pounds: and if any perſon or perſons ſhall obſtruct, oppoſe, moleſt, or hinder any officer or others in their duty, every perſon ſo offending ſhall forfeit the ſum of two hundred pounds.

Private ſtill or back, &c.

May be ſeized.

Claimed in ten days, or forfeited.

Penalty on proprietor.

Officer obſtructed.

And, from September 29, 1793, any perſon who ſhall be found aiding and aſſiſting in any private diſtillation, ſhall forfeit 30*l.* over and above all other penalties and forfeitures that the proprietor, or other perſon in whoſe cuſtody or poſſeſſion the ſame ſhall be found, is now ſubject and liable unto; and it ſhall and may be lawful for the officer and officers of exciſe, and all other perſons acting in their aid and aſſiſtance, to ſtop,

33 *G.* 3. *c.* 70. Aiding and aſſiſting, how puniſhed.

arreſt, and detain all perſons ſo diſcovered, and to convey them before one or more juſtice or juſtices of the peace for the county, riding, diviſion, city, or liberty reſpectively, where ſuch perſons ſhall be ſo diſcovered as aforeſaid; and it ſhall and may be lawful to and for ſuch juſtice or juſtices of the peace reſpectively, on confeſſion of the party, or by proof on the oath of one or more credible witneſs or witneſſes made of ſuch offence, to convict the perſon or perſons ſo diſcovered as aforeſaid: and the perſon or perſons ſo convicted ſhall, immediately on ſuch conviction, pay the ſaid ſum of thirty pounds, into the hands of the officer who ſhall have conveyed ſuch offender before ſuch juſtice or juſtices of the peace, to be applied in manner as herein-after is directed; and on ſuch offender or offenders refuſing or neglecting to pay the ſaid ſum of thirty pounds, the juſtice or juſtices ſo convicting as aforeſaid, ſhall and may, by warrant or warrants under his or their hand and ſeal, or hands and ſeals, commit the offender or offenders to the houſe of correction for the ſaid county, &c. there to remain and to be kept to hard labour for the ſpace of ſix months, to be reckoned from the day of ſuch conviction, and the perſon or perſons ſo committed ſhall not be diſcharged until he, ſhe, or they, ſhall have paid the ſaid ſum of thirty pounds, or until the expiration of the ſaid ſix months: and the perſon or perſons ſo convicted, again offending, ſhall, upon the like conviction, forfeit and pay, for ſuch ſecond offence, the ſum of ſixty pounds, and ſhall be committed to the houſe of correction in manner aforeſaid, there to remain for and during the term of one year, or until the ſaid ſum of ſixty pounds ſhall be paid.

10 & 11 *W.* *c.* 4. Damage made good, if no ſtill be found.

But if, on breaking open any ſuch door or houſe, no ſuch private ſtill, or other veſſel for diſtillation, ſhall be found, the officer ſhall make good the houſe or place ſo broken up, or make ſatisfaction to the owner to be adjudged by the two next juſtices (1 *Q.*); or the party injured may bring his action for the damages; and if any perſon ſhall obſtruct ſuch officer, he ſhall forfeit 200l.

Penalty on obſtructing officer. 19 *G.* 3. *c.* 50.

Every perſon keeping any waſh for diſtillation, and having in his poſſeſſion any ſtill, the cubic contents of which, when the head is on, will amount to two gallons, proof thereof being made, by the oath of one witneſs, before one commiſſioner of exciſe or juſtice, ſhall be deemed a common diſtiller for ſale, and liable to the ſurvey and duties.

Who deemed a common diſtiller. 10 & 11 *W.* *c.* 4.

No diſtiller ſhall have any private pipe or ſtop cock, or other conveyance, by which any waſh or other liquors fit for diſtillation may be conveyed from one back or veſſel to another, on pain of 100l.

Fraudulent conveyance of liquor. 10 & 11 *W.* *c.* 4.

The exciſe officer, in the day time, and in preſence of a conſtable, on requeſt made and cauſe declared, may break up the ground, houſe, wall, &c. through or into which any ſuch pipe or other conveyance ſhall lead, and may break or cut any

Ground broken up for ſearch.

ſuch

ipe or other conveyance, and may turn any cock to try
er ſuch pipe may convey any waſh or other liquor.—
f no ſuch pipe or private conveyance be found, the of- Private conveyance found.
hall make good the ground, wall, houſe, or other place,
ke reaſonable ſatisfaction to the owner, to be adjudged
two next juſtices (1 Q) or the party injured may bring
ion for damages; the ſame to be paid by the commiſ-
s out of the revenue of exciſe. And if any perſon ob-
ſuch officer, he ſhall forfeit 100l.

e officer at all times, by day or night (but if in the night, 9 *G.* 2. *c.* 23.
ſence of a conſtable, oath being firſt made before a juſ- Account of quantity and quality taken.
welling near, of a probable cauſe of ſuſpecting a conceal-
may *enter all ſuch warehouſes, ſhops, or other places,
y taſting, gaging, or otherwiſe, take an account of the
lty or quality; and if any ſuch retailer ſhall hinder the
r, he ſhall forfeit 50l.

foreign ſpirits, although under one gallon, ſhall be re- 8 *G.* *c.* 18.
d into the cuſtody of any retailer, without a permit, ſig- Permit required, on pain of forfeiture.
ng that the duties were paid, or that they had been con-
ed, on pain of forfeiting the ſame, and the veſſel.

perſon ſhall retail any diſtilled ſpirituous liquors or 16 *G.* 2. *c.* 8.
waters, mixed or unmixed, without a licence taken out Licence neceſſary.
ays before, for which he ſhall pay 40s. yearly. And
perſon ſhall alſo be licenſed to ſell ale, &c. by two or
juſtices of the peace.

nd the juſtices of the peace, and other officers, ſhall have 2 *G.* 2. *c.* 28.
me juriſdiction over ſuch retailers of ſpirituous liquors, Granted as to ſellers of ale, &c.
ey have over ale-houſe-keepers. [See ale-houſes.]

erſons retailing, or ſelling leſs than two gallons, without 16 *G.* 2. *c.* 8.
ce, ſhall forfeit 10l. and on non-payment when demand- Penalty, if not licenſed.
one juſtice, on oath of ſuch neglect, ſhall commit the of-
er to the houſe of correction, to be kept to hard labour for
months, or till paid.

nd the ſaid penalty ſhall in no caſe be mitigated below the 26 *G.* 2. *c.* 13.
of 5l. Without mitigation.

he juſtices may, if they think proper, inſtead of levying the 9 *G.* 3. *c.* 6.
lty, commit the offender to the houſe of correction, to be Commitment in lieu of penalty.
to hard labour for two months. All the diſtilled ſpirit-
liquors that ſhall be then, or at any time within ſix
ths after conviction, found in his cuſtody, ſhall, by war-
of the ſaid commiſſioners, or of one juſtice, be ſeized,
ſtaved, or otherwiſe deſtroyed: And any peace or *pariſh* Liquors ſeized.
r, authorized by ſuch warrant, may, at any time, in ſix *Pariſh* officer may enter.
ths after conviction, enter ſuch places, and break open
rs, if not opened on demand. And if any perſon ſhall of-
again in like manner, the commiſſioners or juſtices before
m he ſhall be convicted of ſuch ſubſequent offences, may Second offence.

No mention is here made of a warrant, but only of his having made oath.
ould ſeem that a warrant would be neceſſary to juſtify the officer's entrance.

inflict

inflict the penalties by any former law to be inflicted for
offence, and alſo commit the offender to the houſe of co
tion, to be kept to hard labour not exceeding three month

Form of conviction.

And the conviction ſhall be in this form, or to the like
fect, viz.

Middleſex. A. B. *is convicted on his own confeſſion (or o
oath of* A. W.) *of having ſold ſtrong waters in the pariſh of*—
in this county, on the —— *day of* ——, *without being
licenſed thereto: This is the firſt or ſecond conviction. Given
der my hand and ſeal*, &c.

24 G. 3. c. 40.

Search, by whom.

And the commiſſioners, or one juſtice, on oath of any
fence againſt this act, may grant a warrant to any of the
officers, *or other pariſh officer*, to enter and ſearch the ho
and other places, where the offence ſhall be ſworn to have
committed, or in the occupation of the perſons ſworn to
guilty thereof, and they may break open the doors, if
opened on demand, and ſeize all ſuch diſtilled ſpirituous
quors as they ſhall there find, and detain the ſame, till
offence ſhall be heard and determined; and if the offender
convicted, the liquors ſhall be forthwith ſtaved; and if he
not convicted, the ſame ſhall be reſtored.

9 G. 2. c. 23.

Selling in baſket, &c. &c.

No perſon ſhall hawk, ſell, or expoſe to ſale any ſpiritu
liquors, about the ſtreets, highways, or fields, in any wh
barrow or baſket, or on the water in any boat, or in any ot
manner; or ſhall ſell or expoſe the ſame to ſale, on any bo
ſtall, or ſhed, or any place other than in taverns, victualli
houſes, inns, coffee-houſes, or ale-houſes, on pain of 10l.

17 G. 2. c. 17.

How convicted.

And one juſtice, on his own view, or confeſſion, or proof
one witneſs, may convict him; whereupon he ſhall imm
diately pay the 10l. to a churchwarden or overſeer: And,
refuſal or neglect, the juſtice ſhall commit him to the houſe
correction, to be kept to hard labour for two months, to
reckoned from the day of commitment; and he ſhall not
diſcharged till he pay the ſum, or till the two months be e
pired. If there is no informer, it ſhall be wholly to the
of the poor; otherwiſe half to the informer, and half to
poor.

Penalty, how applied.

11 G. 2. c. 26.

Warrant iſſued.

And any one juſtice, on information on oath againſt a
perſon, may (without any previous ſummons) iſſue his w
rant for apprehending and bringing him before ſuch juſti
where the offence was committed. And any perſon may ſe
and detain him, until he may give notice to the conſtab
churchwarden, overſeer, or other peace or pariſh officer, w
ſhall carry the perſon ſo ſeized and detained, before a juſti
of the peace, who ſhall proceed thereon as in the caſe wh
he is brought by the conſtable.

Offender ſeized.

24 G. 2. c. 40.

No ſpirituous liquors in gaols, &c.

No licence ſhall be granted for retailing of any ſpiritu
liquors within any gaol, priſon, or houſe of correction, wor
houſe, or houſe of entertainment for pariſh-poor. And a
juſtice, on information on oath that ſpirituous liquors
ſtro

waters are kept and diſpoſed of in any ſuch place, may and ſearch, or empower by warrant any conſtable to ſearch d ſeize all ſuch liquors as ſhall be found (except ſuch as rected to be uſed medicinally), and to ſtave and deſtroy ame. And if any perſon ſhall bring, or endeavour to any ſuch liquors (except in the way of medicine, as be- mentioned) into any ſuch gaol or other place, the gaoler s ſervants may apprehend and carry ſuch offender before juſtice of the peace, who ſhall hear and determine ſuch ce in a ſummary way; and if by the oath of one witneſs, herwiſe, ſuch perſon ſhall be convicted, he ſhall be com- d to priſon, or to the houſe of correction, for any time exceeding three months, unleſs he ſhall immediately pay ſuch fine not exceeding 20l. and not leſs than 10l. as the e ſhall impoſe, to be paid half to the informer, and half e poor of ſuch priſon or workhouſe. And the gaoler, er, maſter, or other officer, ſhall procure a copy of this re- tion, to be printed or fairly written, and hung up in one e moſt public places of his gaol, houſe of correction, or houſe aforeſaid, and renew the ſame from time to time, at it be always kept fair and legible, on pain of 40s. by ant of one juſtice, on oath of one witneſs. And any juſ- may enter and demand a ſight of it; and if it ſhall not be n to him hung up in ſome public place fair and legible, hall immediately convict ſuch perſon, and ſo from time to , as often as he ſhall think fit; half to be to the in- er, and half (or the whole, if there be no informer) to the of ſuch gaol or other place. No perſon ſhall recover debt on account of ſpirituous liquors, unleſs it ſhall *bona* ave been contracted at one time to the amount of 20s. or ards: And if any retailer, with or without a licence, ſhall any pawn by way of ſecurity for payment of any money uch liquors, he ſhall forfeit 40s. by warrant of one juſtice, to the poor, and half to the informer; and the owner ſhall ſuch remedy for recovering ſuch pawn, as if it had never pledged.

Perſons bringing them, how puniſhed.

Prohibition hung up in the gaol, &c.

Penalty for neglect.

Debt for ſpirituous liquors not recoverable.

any perſons, to the number of five or more, ſhall, in a us manner, aſſemble to reſcue any offenders againſt any relating to ſpirituous liquors, or to aſſault any perſon who have given or is about to give any information againſt, or ſeize or bring to juſtice any offender, he, his aiders and tors, ſhall be guilty of felony, and tranſported for ſeven s.

24 *G.* 2. *c.* 46. Aſſembly to reſcue.

ellers without a permit, or pedlars with one, puniſhable n the caſe of tea, &c.

9 *G.* 2. *c.* 35.

or ſpirits drawn from Britiſh corn, there was to be allowed awback by the exciſe officers at the port of ſhipping, of 8s. a ton, in full of all drawbacks.

6 *G.* 2. *c.* 17. Drawback on Britiſh ſpirits.

here was to be an additional drawback of 24l. 10s. a ton ll Britiſh-made ſpirits exported; oath being made before

33 *G.* 2. *c.* 9

two

two commiſſioners of exciſe, or juſtices of the peace, th
duties were paid, and that the ſame were to be export
Exported for merchandize. *merchandize* to be ſpent beyond the ſeas. And on oath
made before one commiſſioner or juſtice of the peace, or
perſon authorized by the commiſſioners, that the duti
paid, and that the ſame are to be ſhipped as ſtores to be
in the voyage; and on certificate from the officer of
where ſuch ſpirits were ſhipped, of the quantity ſo ſhi
and that the ſame were proof ſpirits, and ſhipped in the
ſence of ſuch officer, the duty ſhall be allowed or paid
No drawback for ſtores ſhipped in ſmall veſſels. Provided, that no drawback ſhall be allowed for ſpirits
ped as *ſtores*, in any veſſel of leſs than 100 tons burden.
2 *G.* 3. *c.* 5. On oath made before two commiſſioners of exci
juſtices of the peace for the place from which ſpirits are i
ed to be exported, that the ſame were drawn and ma
Drawback, by whom paid. Great Britain from corn under the regulations of this act,
that the ſame are to be exported for merchandize to be
beyond the ſeas; the diſtiller ſhall be paid by the co
ſioners of exciſe, or their collector for the port or place
ſuch ſpirits ſhall be ſhipped, the bounty of 3l. 12s. a ton,
ſo in proportion for a greater or leſs quantity.
33 *G.* 2. *c.* 9. Quantity and ſize of veſſels limited. Provided, that no drawback ſhall be allowed, for any
tiſh-made ſpirits, exported as merchandize, in any cask
taining leſs than 100 gallons, or in any veſſel of leſs bu
than 100 tons.
6 G. 3. *c.* 46. —— Except to Africa and Newfoundland; unto w
places they may be exported as merchandize, in any veſſe
being of leſs burthen than 70 tons.
8 G. 3. *c.* 25. On oath made before two commiſſioners or juſtices, th
rum is to be exported for merchandize to be ſpent beyon
Bond delivered, on certificate produced. ſeas; and on producing a certificate from the exciſe-offi
the quantity ſhipped, and that a certificate was produced
the proper officer of delivery from the warehouſe, on
being given for the due exportation thereof, and alſo
delivery of ſuch laſt-mentioned certificate, the perſon h
cuſtody of the bond for payment of the duties, ſhall deli
up; or if only a part of the rum contained in the bond
be certified to be ſhipped off, then ſuch quantity ſhall b
indorſed upon the bond.
19 G. 3. *c.* 22. Drawback on rum, as ſtores. A like drawback ſhall be allowed for two years, for rum
24 G. 2. *c.* 40. ported *as ſtores* to be ſpent in the voyage.
Certificate of convictions. The juſtices within the limits of the head office of exci
London, ſhall once every month tranſmit to the clerk of
peace, a certificate of all perſons convicted before them
any offences againſt this or any former act relating to
uous liquors, or for licenſing the retailers thereof; who
keep and enter the ſame among the records of the court;
To be admitted as evidence. certificate ſhall be evidence upon any information relati
ſpirituous liquors.

IF any officer of the duties upon ſtarch or of the cuſtoms, ſhall have any cauſe to ſuſpect that ſtarch is privately making in any place, or concealed; that upon oath made before any commiſſioner or juſtice reſiding near, ſetting forth the ground of his ſuſpicion, ſuch commiſſioner or juſtice may iſſue his warrant, to authorize ſuch officer by day or night (but if in the night, in preſence of a conſtable), to enter ſuch ſuſpected place, and ſeize and carry away the ſame, with the materials, as forfeited, together with the boxes and other things containing it: And unleſs the party make it appear that the duty has been paid, he ſhall forfeit 50l.; and if any perſon obſtruct the officer, he ſhall forfeit 100l. 23 G. 2. c. 21. Concealment ſuſpected.

The officers of exciſe or cuſtoms may ſeize any ſtarch or hair powder, with the horſes and package, where they have good reaſon to ſuſpect that it hath been privately made, or imported without payment of duty, or re-landed after drawback: and ſhall in ten days exhibit an information before three commiſſioners of exciſe, or two juſtices near where the ſeizure is made; and if the party doth not make it appear that the duty hath been paid, it ſhall be forfeited, together with the horſes and package; and the offender ſhall likewiſe forfeit 5l. for every hundred weight. 4 G. 5. c. 14. Horſes and package ſeized.

And where any ſuch ſtarch ſhall be ſeized as forfeited, and no perſon ſhall claim the ſame in twenty days, the juſtices ſhall proceed to trial and condemnation thereof: And the judgment thereon ſhall not be liable to appeal, nor be removed by certiorari. 23 G. 2. c. 21. To be claimed in twenty days.

If the party is not ſatisfied with any judgment of the juſtices, on the act of 23 G. 2. c. 21, above-mentioned, he may appeal to the next quarter-ſeſſions (except in the caſe before-mentioned, where no perſon ſhall claim the goods ſeized), and the mitigation on the ſaid act of 23 G. 2. ſhall not reduce the penalty to leſs than a fourth part, over and above the charges. Power of appeal.

Exportation.

IF any perſon in Great Britain or Ireland ſhall pack or put on board any veſſel, for exportation to foreign parts, any machine, tool, or utenſil, uſed in the woollen, cotton, linen, or ſilk manufacturers, or any model of ſuch machines, &c. any juſtice may grant a warrant for ſeizing ſuch machines, &c. and bringing ſuch perſon before him; and if a ſatisfactory account be not given to the juſtice, he may detain ſuch machines, and bind the party to appear at the next aſſizes, or quarter-ſeſſions of the peace, with reaſonable ſureties; and, on neglect of giving ſecurity, the party may be committed to the common gaol or houſe of correction, there to be kept until the next aſ- 21 G. 3. c. 38. Tools to be exported, and may be ſeized.

sizes, or next quarter-sessions; and until he, she, or they shall be delivered by due course of law; and in case any such person or persons shall be convicted, the person or persons so offending shall, for every such offence, not only forfeit all such machines, &c. but also the sum of two hundred pounds of lawful money of Great Britain; and shall also suffer imprisonment in the common gaol, prison, or house of correction, for the space of twelve months, without bail or mainprize, and until such forfeiture shall be paid.

Further penalty.

And if oath shall be made before a justice of any such prohibited machines, &c. being intended to be exported, they may be seized and detained, and the person in whose possession they are found may be bound to appear at the next assizes, or quarter-sessions of the peace.

Offender bound to sessions.

Extortion.

1 *Haw.* 170. Extortion, what.

EXTORTION, in a large sense, signifies any oppression under colour of right; but in a strict sense, it signifies the taking of money by any officer, by colour of his office, either where none at all is due, or not so much is due, or where it is not yet due.

Dalt. c. 41. Justices' dues.

The justices of the peace are bound by their oath of office, to take nothing for their office of justice of the peace to be done, but of the king, and fees accustomed, and costs limited by statute.

Dalt. c. 41. Officers demands, how regulated.

And generally, no public officer shall take any other fee or rewards, for doing any thing relating to his office, than some statute in force gives him, or than hath been anciently and accustomably taken; and if he do otherwise, he is guilty of extortion. The fees in sessions, for traversing, trying, or discharging indictments, discharging recognizances, and the like, do vary according to the different customs in different places.

Felony.

Felony, various.

IT would be very tedious to set down every thing which may be comprehended under this word *Felony*; therefore it is necessary to refer the consideration of the several particular kinds of felonies to their respective titles; as *Homicide*, *Robbery*, *Burglary*, *Rape*, *Coin*, *Forgery*, and especially *Larceny*.—The course and whole procedure of trying an offender, is treated of under the title *Sessions*.

3 *J. c.* 10. Felon to pay charges of conveyance.

The felon shall pay the charges of his carrying to gaol, if able; to be levied by distress, by warrant of one justice.

If

If he is not able, the ſame ſhall be paid, by order of ſuch ſtice, by the treaſure out of the county rate; and in Middle-x, by the overſeers of the poor, where the party was appre-ended. 27 G. 2. c. 3. How in Middleſex.

The court, before whom any perſon hath been tried and *nvicted* of any grand or petit larceny, or other felony, may, the prayer of the *proſecutor*, and, on conſideration of his rcumſtances, order the treaſurer of the county in which the fence ſhall have been committed, to pay him ſuch ſum as ey ſhall judge reaſonable, not exceeding the expences he was ut to in carrying on the proſecution, with a reaſonable allow-nce for his time and trouble. 25 G. 2. c. 36. Proſecutor recompenſed.

The juſtices in ſeſſions may lay down or alter, from time to me, ſuch rules and regulations concerning any coſts or char-es thereafter to be allowed to any perſon by virtue of this act; hich rules and regulations have received the approbation and gnature of one or more of the judges of aſſize, ſhall be bind-g, and not otherwiſe, on all perſons whatſoever. 18 G. 3. c. 19. Coſts regulated.

When any perſon ſhall appear on recognizance to give *evi-nce*, whether any bill of indictment be preferred or not, the ourt may order the treaſurer to pay him ſuch ſum as they hall think reaſonable. 27 G. 2. c. 3. Evidence, by whom paid.

Every perſon, charged with any felony or other crime, gainſt whom no bill of indictment ſhall be found, or who hall, on trial, be acquitted, or who ſhall be diſcharged by roclamation for want of proſecution, ſhall be immediately ſet t large in open court, without paying any fee to the ſheriff or aoler; and ſuch fees as had been uſually paid, not exceed-ng 13s. 4d. for each perſon, ſhall, on the certificate of a udge or juſtice, before whom ſuch priſoner ſhall have been diſ-harged, be paid out of the general county rate. 14 G. 3. c. 20. Perſon acquitted, &c. ſet at large without fee.

Prevention of Felonies.

WHEREAS divers ill-diſpoſed and ſuſpected perſons, and eputed thieves, frequent the avenues to places of public reſort, nd the ſtreets and highways, with intent to commit felony on he perſons and property of his Majeſty's ſubjects there being, nd although their evil purpoſes are ſufficiently manifeſt, the ower of his Majeſty's juſtices of the peace to demand of them ureties for their good behaviour, hath not been of ſufficient ffect to prevent them from carrying their evil purpoſes into xecution: From and after the 11th of June, 1792, it ſhall nd may be lawful for any conſtable, headborough, patrole, or watchman, to apprehend every ſuch perſon, and convey him or hem before any juſtice of the peace: and if it ſhall appear be-fore the ſaid juſtice, upon the oath of one or more credible wit-neſs or witneſſes, that ſuch perſon or perſons is or are a perſon or perſons of evil fame, and a reputed thief or thieves, and ſuch 32 G. 3. c. 53. Suſpected perſons. may be apprehended.

person or persons shall not be able to give a satisfactory account of himself or themselves, and of his or their way of living, and it shall also appear, to the satisfaction of the said justice, that there is just ground to believe that such person or persons was or were in such avenue, street, or highway aforesaid, with such intent as aforesaid, every such person shall be deemed a rogue and vagabond, within the intent and meaning of the statute of 17 *G.* 2. *c.* 5. intitled, an act to amend and make more effectual the laws relating to rogues and vagabonds, and other idle and disorderly persons, and to houses of correction. If any person shall think himself aggrieved by the judgment of such justice as aforesaid, such person may appeal to the justices of the peace at the next general or quarter-sessions, such person, at the time of his conviction, entering into a recognizance, with two sufficient sureties, to try such appeal and to abide the further judgment of the justices at such sessions assembled: If the conviction be affirmed, the justices may proceed as might have been done if the party had been committed: no person convicted under this act shall thereby become liable to any other punishment than imprisonment to hard labour for a term not exceeding six months, taking into the computation any actual imprisonment such person shall have suffered by his commitment until such session.

how to be dealt with.

Power of appeal.

Limitation of confinement.

Nothing in this act shall deprive the mayor and commonalty and citizens of the city of London, of any rights, privileges, or jurisdictions claimed, exercised, or enjoyed, within the town and borough of Southwark, and the liberties thereof, or to prevent the mayor of the city of London for the time being, and such of the aldermen of the said city who have borne the office of mayoralty, and the recorder of the said city for the time being, from acting as justices of the peace within the said town and borough of Southwark, and the liberties thereof, in such and the like manner as they could or might have done in case this act had not been made.

Rights of the city of London preserved,

32 *G.* 3. *c.* 53. and of the borough of Southwark.

This act shall continue in force till the first of June, which shall be the year of our Lord 1795, and from thence to the end of the then next session of parliament, and no longer.

Continuance of the act.

Misprision of Felony

IS the concealing of a felony which a man knows, but never consented to. The punishment of which, in a common person, is fine and imprisonment; in an officer, as sheriff, &c. imprisonment for a year, and ransom at the king's pleasure.

1 *H. H.* 357. How described. 3 *Ed.* 1. *c.* 9.

If any person will save himself from the crime of misprision, he must discover the offence to a magistrate with all the speed that he can.

4 *Inst.* 140. How to avoid it.

Theftbote

S, where one not only knows of a felony, but takes his ds again, or other amends not to profecute. How deſcribed. 1 *H.* 125.

Fireworks.

F any perſon ſhall make or ſell any fireworks, or imple- ments for making the ſame, he ſhall, on conviction before juſtice, or chief magiſtrate, by confeſſion, or by oath ne witneſs, forfeit 5l. half to the poor, and half to the pro- utor; to be levied by diſtreſs, by warrant of ſuch juſtice or ef magiſtrate. And if any perſon ſhall permit the ſame be caſt or fired, from his houſe or other place thereto be- ging, into any public ſtreet or road, or any other place, ſhall forfeit 20s. in like manner. And if any perſon ſhall t or fire the ſame into any public ſtreet, houſe, &c. he ſhall feit 20s. in like manner, or be committed to the houſe of rection, to be kept to hard labour for any time not exceed- one month, unleſs he ſhall ſooner pay the forfeiture. But hing herein ſhall extend to the office of the ordnance, or to artillery company. 9 & 10 *W.* c. 7. Penalty for ſel- ling. For ſuffering them to be fined. Forcaſting them into any ſtreet, &c.

Fiſh and Fiſhing. See Game.

Forcible Entry *and* detainer.

NONE ſhall make any entry into any lands or tenements, or other poſſeſſions, but where entry is given by the law; d in ſuch caſe, not with ſtrong hand, nor with multitude of ople, but only in a peaceable and eaſy manner; on pain of priſonment and ranſom at the king's will. 8 *H.* 6. c. 9. Peaceable en- try.

The party grieved, if he will loſe the benefit of his treble da- ges and coſts, may be aided and have the aſſiſtance of the tices at the general ſeſſions, by way of indictment on the tute of 8 *H.* 6. Party grieved may indict.

In the caption of which indictment, it will be ſufficient to , *juſtices aſſigned to keep the peace of our lord the king*, with- t ſhewing that they have authority to hear and determine onies and treſpaſſes; for the ſtatute enables all juſtices of e peace, as ſuch, to take ſuch indictment; and the tenement which the force was made, muſt be deſcribed with conve- ent certainty; and muſt ſet forth that the defendant actually tered, and ouſted the party grieved; and continueth his ſſeſſion at the time of finding the indictment. 1 *Haw.* 149. Juſtices deſ- cribed.

But if a man's wife, children, or ſervants do continue in the uſe or upon the land, he is not ouſted of his poſſeſſion. *Dalt.* c. 138. When not ouſted.

For

8 *H.* 6. *c.* 9. Complaint, to whom.

For a more ſpeedy remedy, the party grieved may com to any one juſtice, or to a mayor, ſheriff, or bailiff, w their liberties.

More juſtices than one.

But although one juſtice alone may proceed in ſuch c yet it may be adviſeable for him, if the time for viewing force will ſuffer it, to take to his aſſiſtance one or two juſtices.

Dalt. c. 44. Power of the country,

After complaint made to ſuch juſtice, by the party grie of a forcible entry made into lands, tenements, or other ſeſſions, or forcible holding thereof, he ſhall, within a venient time, at the coſts of the party grieved (without examining or ſtanding upon the right or title of either p take* ſufficient power of the county, and go to the place w ſuch force is made.

R. 2. *c.* 2. To arreſt offenders.

And if after ſuch entry made, the juſtice ſhall find force, he ſhall cauſe the offenders to be arreſted.

R. 2. *c.* 2. Record to be made.

And ſuch juſtices ought to make a record of ſuch forc them viewed; which record ſhall be a ſufficient conviction the offenders, and the parties ſhall not be allowed to tra it: And this record, being made out of the ſeſſions, by a ticular juſtice, may be kept by him; or he may make it dented, and certify the one part into the king's bench, Duplicate made. leave it with the clerk of the peace, and the other part he keep himſelf.

15 *R.* 2. *c.* 2. Offenders committed.

And the offenders, being arreſted (as before is ſaid), be put in the next gaol, there to abide convict by the record the ſame juſtice, until they have made fine and ranſom to king.

8 *H.* 6. *c.* 9.

The juſtice ſhall make his precept to the ſheriff, comma ing him, in the king's behalf, to cauſe to come before h ſufficient and indifferent perſons, dwelling next about Juſtice's precept. lands ſo entered, to enquire of ſuch entries; whereof ev man ſhall have lands or tenements of 40s. a year, above prizes. And the ſheriff ſhall return iſſues on every of th Sheriff's return. at the day of the firſt precept returnable, 20s. and at the ſecond day, 40s. and at the third, 100s. and at every day ter, double. And the ſheriff making default, ſhall, on c viction before the ſame juſtice, or before the judge of aſſ forfeit 20l. half to the king, and half to him who ſhall ſ with coſts; and moreover ſhall make fine and ranſom to king.

8 *H.* 6. *c.* 9. Party reſtored.

And if ſuch forcible entry or detainer be found before ſ juſtice, then the ſaid juſtice ſhall cauſe to reſeize the la and tenements ſo entered or holden, and ſhall reſtore the pa put out, to the full poſſeſſion of the ſame.

31 *El. c.* 11. Reſtitution, when forbidden.

No reſtitution upon an indictment of forcible entry, or hol ing with force, ſhall be made, if the perſon indicted have h

* All people of the country, as well the ſheriff's as others, ſhall be attend on the juſtices, to arreſt the offender; on pain of impriſonment and fine to king.

th

ccupation, or been in quiet poſſeſſion for three years to-
er next before the indictment found, and his eſtate there-
ot determined; and if it is found againſt the party in-
d, he ſhall pay ſuch coſts and damages as the judges or
es ſhall aſſeſs; to be recovered as coſts and damages in
ment on other actions.

ch judges, juſtices, or juſtices of the peace, as may give
ution unto tenants of any eſtate of freehold, may give the
unto tenants for term of years, &c. of lands or tenements
hem ſo holden, which ſhall be entered upon by force, or
en from them by force.

lthough regularly the juſtices only who were preſent at the
iry, and when the indictment was found, ought to award
ution, yet if the record be certified by the juſtice or juſ-
into the king's bench, the juſtices of that court may award
it of reſtitution to the ſheriff, to reſtore poſſeſſion to the
y expelled. If a forcible entry or detainer ſhall be made
ree perſons or more, it is alſo a riot, and may be proceed-
gainſt as ſuch, if no enquiry hath before been made of the
e.

21 J. c. 15. To whom given.

Dalt. c. 44. By whom awarded.

Forcible entry, when a riot.

Foreign Service.

N complaint on oath before a juſtice, that any perſon is
endeavouring to ſeduce or draw away any manufacturer
rtificer, or that he hath contracted or is preparing to go
of the kingdom, he may iſſue his warrant to bring ſuch
on before him or ſome other juſtice; and if it ſhall appear
ch juſtice by confeſſion, or the oath of one witneſs, that
perſon was guilty of any the ſaid offences, he may bind
over to the next aſſize or ſeſſions, to anſwer the premiſes;
if he ſhall, upon indictment, be there convicted of any
promiſe or contract, or preparation to go beyond the
, he ſhall give ſuch ſecurity, not to depart out of the
m, as ſuch court ſhall think reaſonable, and be impriſoned
l ſuch ſecurity be given.

any perſon ſhall contract with, or endeavour to perſuade
duce any artificer in the manufactures of Great-Britain, to
nto any foreign country, not belonging to the crown of
at-Britain, and ſhall be thereof convicted, in twelve
ths, in the king's bench, or at the aſſizes, he ſhall, for
y ſuch perſon, forfeit 500l. and be impriſoned in the com-
gaol for twelve months, and till payment of the forfeit-
; and, for a ſecond or other ſubſequent offence, ſhall for-
1000l. and be impriſoned two years, and till payment.

any perſon ſhall have in his poſſeſſion tools or implements
per for the *cotton* or *linen woollen*, or *ſilk* manufactures, and
ſhall be made before one juſtice that there is reaſon to be-
lieve

35 G. c. 27. Seducing manufacturers.

23 G. 2. c. 13.

How puniſhed.

14 G. 3. c. 71. Tools for manufactures.

Intended for exportation.

lieve ſuch perſon hath in his poſſeſſion ſuch tools or im
ments, or part thereof, with intent to export the ſame to
other part or place than Great-Britain or Ireland, ſuch
tice ſhall iſſue his warrant to ſeize all ſuch tools or im
ments, and parts thereof, and alſo to bring the perſon c
plained of before him or ſome other juſtice: And if he ſhall
give a ſatisfactory account to ſuch juſtice, of the uſe or p
poſe to which ſuch tools or utenſils are intended to be ap
priated, the ſaid juſtice ſhall cauſe the ſame to be detai

Seized, with the offender.

Bailed or committed.

and bind the perſon ſo charged, with reaſonable ſureties,
appear at the next aſſizes or ſeſſions; and if he ſhall not
ſuch ſecurity, the juſtice ſhall commit him to gaol till
next aſſizes or ſeſſions, and until he ſhall be delivered by
courſe of law. And if he ſhall be there convicted, he

What forfeit.

forfeit 200l. All which forfeitures, by this act inflicted
offenders, ſhall be applied half to the king, and half to
who ſhall ſue.

29 *G.* 2. *c.* 17. Enliſting in foreign ſervice, felony.

If any ſubject ſhall enliſt or enter himſelf, or if any per
ſhall procure any ſubject to enliſt or enter himſelf to ſerve
foreign prince, without his majeſty's leave, he ſhall be gu
of felony without benefit of clergy. But if any perſon
liſted, or enticed to go beyond the ſeas in order to be enli
as a non-commiſſion officer or private ſoldier, in any for
ſervice, ſhall, in fourteen days, voluntarily diſcover u
oath, before any juſtice or other civil magiſtrate, the pe
by whom he was enliſted or enticed, ſo as he be convicted,
ſhall be indemnified.

Forgery.

FORGERY is an offence at common law, and an offe
alſo by ſtatute.

Barl. 244. Conduct of juſtice.

Mr. *Barlow* ſays, that a juſtice of the peace may tak
information thereof, bind over the informers, examine the
fender, certify his examination to the proper judges, and c
mit him to priſon in order to abide his trial.

18 *G.* 3. *c.* 18.

Felony, to forge or alter note or bill, forged.

If any perſon ſhall falſly make, alter, forge, or counter
or willingly act or aſſiſt in the falſe making, altering, forg
or counterfeiting any acceptance of any bill of exchange
the number or principal ſum of any accountable receipt
any note, bill, or other ſecurity for any payment of money
any warrant or order for payment of money, or delivery
goods, with intent to defraud any perſon or corporat
or ſhall utter or publiſh the ſame as true, with intent to
fraud any perſon or corporation, knowing the ſame to be f
he ſhall be guilty of felony, without benefit of clergy.

Fra

ALL frame-work knitted pieces and ſtockings, made of thread, cotton, worſted, or yarn, or of any mixture therewith, ſhall be marked with the ſame number of ilet holes, and no more, as there are threads contained in each piece or pair. And if any frame-work-knitter, hoſier, or other perſon, ſhall ſell or expoſe to ſale, any of the ſaid goods, not ſo marked as aforeſaid, he ſhall forfeit the ſame, and alſo 5l. for each piece or pair. And one juſtice where the offence ſhall be committed (not being a frame-work-knitter, hoſier, or proprietor of frames) may convict the offender, on the oath of one witneſs: And if the penalties or forfeitures ſhall not be forthwith paid, the ſaid juſtice ſhall iſſue his warrant to levy the ſame by diſtreſs; and if no goods, or not ſufficient, can be found, ſuch juſtice ſhall, on oath made to him by the perſon who ſhall have the execution of the warrant, commit the offender to the common gaol of the place where the offence was committed, for any time not exceeding three months, unleſs the penalties and forfeitures ſhall be ſooner paid and ſatisfied. All which penalties and forfeitures ſhall be applied, half to the informer, and half to the poor. Perſons aggrieved may appeal to the ſeſſions: And the juſtices there, on due proof of notice given, and recognizance entered into, ſhall hear and determine the ſame. Provided, that nothing herein ſhall extend to abridge or take away any rights or privileges, of the maſter, wardens, and aſſiſtants, of the company of frame-work-knitters.

6 *G.* 3. *c.* 29. Frame-work, how marked. Selling goods unmarked. One juſtice. Warrant of diſtreſs. Half to the poor. Power of appeal. Who exempt.

If any frame-work-knitter, who ſhall rent or hire any ſtocking frame, with or without any machine or engine thereto annexed, ſhall at any time refuſe to re-deliver ſuch frame, with the machine or engine therewith let to the perſon of whom he or they ſhall rent the ſame, having received fourteen days previous notice for ſuch purpoſe, the perſon ſo offending, being lawfully convicted by the oath or affirmation of the owner or employer of ſuch frame, or of any other credible witneſs or witneſſes, before any one or more juſtice or juſtices of the peace, where ſuch offence ſhall be committed, or where the perſon or perſons ſo charged ſhall reſide or inhabit (which oath or affirmation the ſaid juſtice or juſtices is and are hereby impowered and required to adminiſter), the perſon ſo offending ſhall, for every ſuch offence, forfeit the ſum of 20s. to and for the uſe of the poor of the pariſh where ſuch offence ſhall be committed; and if not immediately paid, and the frames returned in ſix days after conviction, ſhall be impriſoned in the common gaol or public priſon, for not more than three months, nor leſs than one.

28 *G.* 3. *c.* 55. Detaining a frame lent or hired.

Any perſon ſo renting or taking to hire any ſtocking frame, and ſelling the ſame without the conſent of the owner thereof, being lawfully convicted upon any indictment to be found againſt him, ſhall ſuffer *ſolitary* impriſonment in the common gaol or houſe of correction where ſuch offence ſhall have been

28 *G.* 3. *c.* 55. Selling it without leave of the owner.

committed, without bail or mainprize, for a ſpace not le
than three calendar months, nor exceeding twelve calend
months; and perſons purchaſing them, are liable to the ſam
puniſhment, if lawfully convicted on any indictment to b
found againſt them.

Cutting or deſtroying work.

If any perſon or perſons ſhall, by day or by night, enter b
force into any houſe, ſhop, or place, with an intent to cut
deſtroy any frame-work-knitted pieces, ſtockings, or other
ticles or goods being in the frame, or upon any machine
engine thereto annexed; or ſhall wilfully and maliciou
cut or deſtroy the ſame; or ſhall wilfully and maliciou
break, deſtroy, or damage any frame, machine, or utenſi
uſed in making any frame-work-knitted pieces, ſtockings,
other goods in the hoſiery manufactory, not having the co
ſent of the owner ſo to do, or ſhall break or deſtroy any ma
chinery in any mill or mills uſed in preparing or ſpinning
wool or cotton for the uſe of the ſtocking frames, every o
fender, being thereof lawfully convicted, ſhall be adjudge

Felony.

guilty of felony, and ſhall be tranſported to ſome of his Ma
jeſty's dominions beyond the ſeas, for any ſpace or term
years not exceeding fourteen years, nor leſs than ſeven years.

Fuel.

10 *Ann. c.* 6. Aſſize of billets.

ALL billets ſhall contain in length three feet and four
inches, and be aſſized and marked; otherwiſe, on infor
mation to a juſtice of the peace, mayor, or other head officer,

Juſtice's duty, to require an oath.

he ſhall call before him ſix good and lawful men of the town,
and ſhall ſwear them truly to enquire and preſent, whether the
ſame be of good and ſufficient aſſize, and if they ſhall preſent
that any of them is not ſufficient, the ſame ſo being deficient,
ſhall be forfeited, and be delivered to the overſeers, to be by
them diſtributed to the poor.

Game.

8 G. *c.* 19. Penalty, how recovered.

WHERE any perſon for an offence againſt any law in
being at the making of this act, for the better preſer
vation of the game, ſhall be liable to pay any pecuniary pe
nalty or ſum of money, on conviction before a juſtice of the
peace, the proſecutor may either proceed to recover the ſame
in ſuch manner as that law directs, or he may ſue for the ſame

Limitation of time.

(before the end of the ſecond term after the offence commit
ted, 26 *G.* 2. *c.* 2.) by action of debt, or on the caſe, bill,
plaint, or information, in any court of record at Weſtminſter;
wherein, if he recovers, he ſhall have double coſts.

Whereas

Whereas a moiety of the said penalty, by several acts, is directed to be applied to the use of the poor of the parish where offence was committed, by reason whereof, inhabitants of said parish have been* disallowed to give evidence; it is acted, that it shall be lawful for *any* person to sue for the ole of such penalty to his own use; and if he recovers, he ll have double costs; such action to be brought within six nths after the offence committed. 22 G. 3. c. 19. Inhabitants may be witnesses.

Game Certificates.

ROM *July* 1, 1791, the following additional duties are to be paid, viz. for every certificate issued to kill game to y person, not being a game-keeper, an addition of 1l. 1s. d to any game-keeper, an addition of 10s. 6d. These duare to be under the management of the Commissioners for mps. All the provisions of 25 G. 3. c. 50. not repealed by G. 3. c. 82, and all the provisions of that act shall extend this. 31 G. 3. c. 32. Additional duty.

The form of conviction in act 25 G. 3. c. 50, is by this act pealed, and the following substituted: From and after the d first day of *July*, all convictions to be made out by any stice or justices of the peace, upon any offence committed ainst the said act of the twenty fifth year aforesaid, or of is act, shall be made out in the form, or to the effect following, *mutatis mutandis*, as the case shall happen to be; and ery such conviction shall be good and effectual to all intents d purposes whatsoever, without stating the case, or the facts, evidence, in any more particular manner (that is to say): New form of conviction,

(Time of Conviction)

BE it remembered, that on ——— ———

(Place of Conviction) *(Name of Offender)* *Addition of offender)* at ——— ——— *A. B.* ——— of ———

(The Name and Style of

as duly convicted before me *(or* us) ———

e convicting Justice or Justices) *(Name of Offender)*

——— for that the said ——— *A. B.* ———

(Time of Offence) *(Place of committing Offence)*

n ——— ——— at ——— ——— did *(here ate the offence against the act, according to the fact)*, contrary o the form of the statute; and I (or *we*) do declare and ad-

(Name of Offender)

udge that the said ——— *A. B.* ——— hath forfeited for is said offence the sum of to be distributed as he law directs.

* N. B. This inconvenience is obviated by an act passed in the session 27 G. 3.) whereby parishioners are qualified to be witnesses against offenders, though the penalties be ordered to be applied to the use of the poor.

Given under my hand and ſeal (*or* our hands and ſ
the day and year above-mentioned.

Forgery of ſeal, &c.

If any perſon ſhall counterfeit or forge, or procure to
counterfeited or forged, any ſeal, ſtamp, or mark, to reſe
any ſeal, ſtamp, or mark, directed or allowed to be uſed by
act, with an intent to defraud his Majeſty, his heirs or ſuc
ſors, of any of the ſaid duties; every perſon ſo offending,
being thereof lawfully convicted, ſhall be adjudged a fe
and ſhall ſuffer death as in caſes of felony, without benef
clergy.

Felony.

31 G. 3. c. 21. Parties to whom payable.

All the duties herein before granted, ſhall be paid fr
time to time into the hands of the receiver-general, for
time being, of the duties on ſtampt vellum, &c. who ſhall
the ſame (the neceſſary charges of raiſing the ſame being
ducted) into his Majeſty's receipt of exchequer at Weſtmin
at ſuch time, and in ſuch manner, as other duties on ſta
vellum, parchment, and paper, are directed to be paid.

Concerning Gamekeepers.

22 & 23 C. 2. c. 25.

ALL lords of manors, or other royalties, not under the
gree of an eſquire, may, by writing under their hands a
ſeals, authorize one or more game-keeper or game-keepe
within their reſpective manors or royalties; and may impo
him thereby, upon their own manors, to kill hare, pheaſa
partridge, or any other game.

Game-keeper's appointment.

5 *Ann.* c. 14.

But if the game-keeper ſhall, under colour thereof, kill
take the ſame for the uſe of the lord, and afterwards ſell
diſpoſe thereof without the lord's conſent, and be convicte
on complaint of ſuch lord, and on oath of one witneſs, befo
one juſtice, he ſhall be committed to the houſe of correctio
for three months, to be kept to hard labour.

May not ſell game;

One in a manor.

But no lord of a manor ſhall make above one perſon to b
game-keeper within any one manor, with power to kill gam
And the name of ſuch perſon ſhall be entered with the clerk
the peace where the manor lies; and a certificate thereof ſha
be granted by the clerk of the peace, on payment of on
ſhilling.

9 *Ann.* c. 25.

And if any other game-keeper, whoſe name is not ſo e
tered, who ſhall not be otherwiſe qualified by the laws of thi
kingdom to kill game, ſhall kill, ſell, or expoſe to ſale an
hare, pheaſant, partridge, &c. he ſhall, on conviction befor
one juſtice, on oath of one witneſs, forfeit, for every offence,
5l. half to the informer, and half to the poor, by diſtreſs; for
want of diſtreſs, he ſhall be ſent to the houſe of correction for
three months for the firſt offence, and for every other offence,
four months.

Penalty on non-entry of his name.

No

o lord of a manor ſhall make any perſon to be a game-
er with power to kill game, unleſs ſuch perſon be qua-
d by the laws of the realm ſo to do; or unleſs ſuch perſon
ruly and properly a ſervant to the ſaid lord.

3 G. c. 11. Who may be appointed.

he game-keeper (ſo authorized) may ſearch for dogs and
ines, and ſeize the ſame for the uſe of the lord, or deſtroy
m.

22 & 23 C. 2. c. 25. Game keeper's power.

ut it hath been adjudged, that an authority from the lord
he manor is not of itſelf ſufficient for this purpoſe, but that
ought to have a warrant from a juſtice of the peace, after
ormation and oath of the offence firſt made.

Cam. 183. Not without warrant.

very perſon, not having lands and tenements, or ſome
er eſtate of inheritance, in his own or his wife's right of
clear yearly value of 100l. per annum*, or for term of life,
not having leaſe or leaſes of 99 years, or for any longer
m, of the clear yearly value of 150l. (other than the ſon
heir apparent of an eſquire, or other perſon of higher de-
e, and the owners and keepers of foreſts, parks, chaſes, or
rrens, being ſtocked with deer or conies for their ne-
ſary uſe, in reſpect of the ſaid foreſts, parks, chaſes, or
rrens) is hereby declared to be a perſon by the laws of this
lm, not allowed to have or keep for himſelf or any other
rſon, any guns, bows, greyhounds, ſetting dogs, ferrets,
s, gins, ſnares, or other engines for the taking and killing
game.

22 & 23 C. 2. c. 25. Who qualified to kill game.

5 Ann. c. 14.

If any perſon, not qualified by the laws of this realm ſo to
, ſhall keep or uſe any greyhounds or ſetting dogs, or any
gines, to kill and deſtroy game, and ſhall be thereof† con-
cted on the oath of one credible witneſs, before one juſtice,
ſhall forfeit 5l. half to the informer, and half to the poor
the pariſh where the offence was committed, to be levied by
iſtreſs and ſale of the offender's goods; for want of diſtreſs,
ſhall be ſent to the houſe of correction for three months for
e firſt offence, and for every other offence four months.—
nd any juſtice, and lord within his manor, may take away
uch dogs, nets, or other engines, which ſhall be in the power
r cuſtody of any perſon not qualified.

Penalty, if not qualified.

4 & 5 W. c. 23. Conſtable may ſearch.

The conſtable, authorized by a juſtice's warrant, ſhall enter
nto and ſearch the houſes, outhouſes, or other places belong-
ng to ſuch houſes of ſuſpected perſons not qualified. And if
ny hare, partridge, or other game, ſhall be found, the of-
ender ſhall be carried before a juſtice; and if ſuch perſon do
not, in ſome convenient time, to be ſet by the juſtice, pro-
duce the party of whom he bought the ſame, or ſome other
credible perſon, to depoſe upon oath ſuch ſale thereof, he ſhall
be convicted by the ſaid juſtice of ſuch offences, and, upon ſuch
conviction, ſhall forfeit, for every hare, partridge, or other
game, any ſum not under 5s. and not exceeding 20s. half to

Offender, how dealt with.

* Upon this it hath been ſhrewdly remarked, that there is fifty times the property required to enable a man to kill a partridge, as to vote for a knight of the ſhire. 4 *Blackſt.* 175.

† See Appendix, No. 25, 26, 27, 28.

the

the informer, and half to the poor, by diſtreſs; for want diſtreſs, he ſhall be committed to the houſe of correction not more than one month, nor leſs than ten days, there to whipt and kept to hard labour.

5 Ann. c. 14. Higlers and carriers ſelling or buying game.

If any higler, chapman, carrier, innkeeper, victualler, alehouſe-keeper, ſhall have in his cuſtody or poſſeſſion, or buy, ſell, or offer to ſale any hare, pheaſant, partridge, unleſs ſuch game in the hands of ſuch carrier to be ſent up ſome perſon qualified; (or if any perſon whatſoever, whether qualified or not, ſhall ſell, expoſe, or offer to ſale any hare, pheaſant, partridge, moor, heath-game, or grouſe, 28 G. 2. c. 12.) he ſhall be carried before a juſtice where the offence committed; and being convicted thereof (in three months after the offence) on view, or oath of one witneſs, he ſhall forfeit, for every hare, pheaſant, partridge, &c. the ſum of half to the informer, and half to the poor, by diſtreſs: want of diſtreſs, he ſhall be committed to the houſe of correction, for the firſt offence, three months, and for every other offence, four months..

5 Ann. c. 14. Game may be ſeized.

And any juſtice of the peace, and lord within his manor may take away any ſuch hare, pheaſant, partridge, &c. from any ſuch higler, chapman, &c. or any other perſon not qualified, which ſhall be found in his cuſtody or poſſeſſion.

28 G. 2. c. 12. Poulterer puniſhable.

If any hare, pheaſant, partridge, &c. ſhall be found in the ſhop, houſe, or poſſeſſion of any poulterer, ſaleſman, &c. or any perſon not qualified in his own right to kill game, or intitled thereunto under ſome perſon ſo qualified, it ſhall be deemed an expoſing thereof to ſale,

25 G. 3. c. 50.

The act 24 *G.* 3. *Seſſ.* 2. *c.* 43, being repealed, it was enacted, by 25 *G.* 3. *c.* 50, that from and after July 1, 1785, every perſon delivering into the office of the clerk of the peace, or his deputy, for the county where he ſhall reſide, an account of his name and place of abode, ſhall be annually entitled to a certificate thereon, paying two guineas for the ſame; and every deputation of a game-keeper ſhall be regiſtered with the clerk of the peace, and a certificate ſhall annually be taken out, chargeable with a ſtamp of 10s. 6d. Every perſon, reſiding in cities and towns that are counties of themſelves, and have no clerks of the peace, may apply to the office of the clerk of the peace of any county, riding, or place adjoining to ſuch city or town, for the purpoſe of receiving ſuch certificate.

Certificate to be taken out.

Tranſmitted to the ſtamp-office.

Correct liſts of certificates are annually to be tranſmitted to the ſtamp-office by the ſeveral clerks of the peace, under a penalty of 20l. which liſts may be inſpected by any perſon on paying 1s. and no more; and thoſe liſts ſhall once or more in a year be inſerted by the commiſſioners of ſtamp-duties in the news-papers of each county, or ſuch other public news-papers as they ſhall think proper.

25 G. 3. c. 50. Penalty.

Any perſon, who, after July 1, 1785, ſhall ſhoot at or kill any game, without a certificate as is above-mentioned, ſhall forfeit 20l.

Any

ny perſon having obtained ſuch certificate, and producing
nay require the certificate of any perſon uſing any dog, Who may demand it.
or net, for deſtroying game, to be produced; and the per-
efuſing to ſhew the ſame, or, not having produced it, re-
g to give in his chriſtian and ſurname, and the place of
eſidence, or giving in a falſe or fictitious name or place of
ence, ſhall forfeit 5ol.

he times of killing game are limited as by former acts, 25 G. 3. c. 50.
ithſtanding ſuch certificates; nor ſhall this act give to Certificates, no qualification.
perſon any right to take or deſtroy game, unleſs ſuch per-
hall be duly qualified ſo to do, by the laws now in being;
he ſhall be liable to the ſame penalties in any of the ſaid
, as if this act had not been made.

ame-keepers are not allowed, by any certificate, to kill 24 G. 3. ſeſſ. 2. c. 43.
e out of the limits of the manor, for which the deputation Game-keeper limited.
given; and in caſe of any new appointment of a game-
per, &c. duly regiſtered, the former certificate ſhall be null
void; and the perſon acting under the former one ſhall be
le to the penalties of this act.

enalties for offences againſt this act may be ſued for and Id.
vered in any of his Majeſty's courts by action of debt, bill, Penalties, where recovered.
nt, or information.

ny juſtice of the county, where the penalty doth not ex- Id.]
20l. may ſummon the parties before him, and hear and
rmine the matter in a ſummary way, and, by the oath of Juſtice's conduct.
or more credible witneſs or witneſſes, may give judgment,
levy the penalties by diſtreſs, to be ſold, if not redeemed
hin ſix days, and the overplus, if any, to be rendered to the
er; or, in default of diſtreſs, the offender may be commit-
for *ſix months* (in another part of the act, *three months*), or
the penalties ſhall be paid. Perſons ſummoned as witneſ-
and not appearing at the time and place appointed, ſhall
eit 10l. to be levied by diſtreſs, as above, if not paid.

N. B. A clauſe in this act tends to obviate any doubt which 26 G. 3. c. 82.
ht ariſe from the mention of two different times of im- Former act amended.
ſonment of offenders not having ſufficient goods to anſwer
alties in the act 25 G. 3. c. 50.; and fixes the time of im-
ſonment to *three months*, and no longer.

Perſons aggrieved by ſuch juſtice, may appeal to the next 24 G. 3. ſeſſ. 2. c. 43.
eral quarter-ſeſſions, whoſe determination ſhall be final.

[For the Form of Conviction, ſee the end.]

The juſtice, where he ſhall ſee cauſe, may mitigate the pe- 24 G. 3. ſeſſ. 2. c. 43.
lties, reaſonable coſts in proſecuting the ſame being always Penalties mitigated.
owed, over and above the mitigation, ſo as not to reduce the
nalties to leſs than a moiety of the penalties incurred, over
d above the ſaid coſts and charges.

The duties granted by this act are to be paid to the re- Id.
iver-general of the ſtamp duties, and by him paid into the Duties, to whom paid.
Exchequer;

Exchequer; and all pecuniary penalties for offences against
act, may be ſued for and recovered in any of his Maje
courts at Weſtminſter for England; or the court of ſeſſion
court of Exchequer for Scotland; and the plaintiff, if he o
ſhall recover any penalty, ſhall recover it for his or her
uſe, with coſts of ſuit.

Officer or ſoldier killing game.

By the yearly mutiny acts, if any officer or ſoldier
without leave of the lord of the manor under his hand
ſeal, deſtroy any hare, coney, pheaſant, partridge, pigeon
other fowl, poultry, or fiſh, or his majeſty's game, and be
victed thereof, on oath of one witneſs, before one ju
every officer ſo offending ſhall forfeit 3l. to the poor: An
commanding officer upon the place, for every offence com
ted by any ſoldier under his command, ſhall forfeit 20s. in
manner. And if, upon conviction by the juſtices, and
mand thereof made by the conſtable or overſeers of the
he ſhall not in two days pay the ſaid penalties, he ſhall f
his commiſſion.

Laws for preſerving four-footed Game in particul

Deer-ſtealing by ancient ſtatutes.

H. 7. *c.* 7.

WHEN information ſhall be made, of any unlawful h
ing, in any foreſt or park, by night, or with painted face
any of the king's counſel, or to a juſtice of the peace, of
perſon to be ſuſpected thereof, he may make a warrant to
and arreſt the perſon, and to have him before the maker o
warrant, or any other of the ſaid counſel, or juſtices of
peace, who may, by their diſcretion, examine him of the
hunting. And if any perſon ſhall be convicted of any
huntings, with painted faces, vizors, or otherwiſe diſgu
to the intent they ſhould not be known, or of unlawful h
ing in time of night, then the ſame perſon ſo convict, to
like punition as he ſhould have if he were convict of felon

Hunting in diſguiſe.

1 *J.* *c.* 27. Selling deer.

Every perſon who ſhall *ſell*, or buy to ſell again, any
ſhall, on conviction at the aſſizes, or ſeſſions, or before two
tices out of ſeſſions, forfeit, for every deer, 40s. half to
that ſhall ſue, and half to the poor.

wounding or killing deer.

By the 16th *G.* 3. *c.* 30, which repeals in whole or in
the former acts relating to this ſubject, if any perſon ſhall
at, or otherwiſe attempt to kill, wound, or deſtroy, or
carry away any red or fallow deer, in any foreſt or chaſe,
ther incloſed or not, or in any incloſed park where deer
or have been uſually kept; or ſhall be aiding therein, he
forfeit, for every ſuch offence, the ſum of 20l. and ſhall,

16 *G.* 3. *c.* 30. every deer ſo wounded, killed, deſtroyed, taken, or
away, forfeit the ſum of 30l.

It ſhall be lawful for one juſtice, on complaint to him

oath by any credible perſon, that there is reaſon to ſuſpect 16 *G.* 3. *c.* 30.
y perſon of having in his cuſtody or poſſeſſion any red or fal-
y deer which ſhall have been unlawfully killed, or the head, Search for deer.
n, or other part thereof, or any ſlip, nooſe, toil, ſnare, or
er engine, for the unlawful taking of deer, by his warrant,
cauſe ſuch perſon, and his dwelling-houſe, &c. to be ſearch-
: And if any ſuch ſhall be found, to cauſe the ſame, and
h perſon ſo having poſſeſſion, to be brought before any juſ-
e having juriſdiction: And if ſuch perſon ſhall not produce
fore ſuch juſtice the party of whom he received the ſame, or
isfy ſuch juſtice that he came lawfully by ſuch deer, or the
ad, ſkin, or other part thereof, or had a lawful occaſion for
h ſlip, nooſe, toil, ſnare, or other engine, or did not keep
e ſame for any unlawful purpoſe, he ſhall forfeit not exceed-
g 30l. nor leſs than 10l. at the diſcretion of ſuch juſtice.

On complaint or information on oath of one witneſs before *Id.*
e juſtice, of any offence againſt this act, ſuch juſtice (ex- Juſtice how to act.
pt in ſuch caſes only where the juſtice is eſpecially directed
reviouſly to ſummon the party before him) may, by his war-
nt, cauſe the party complained of to be apprehended and
rought before him, at ſuch time and place as ſhall be ſpeci-
ed in ſuch warrant: And thereupon ſuch juſtice may proceed
hear and determine the matter of ſuch complaint. And
here it is provided by this act, that the party complained of
all be ſummoned to appear, if the party ſo ſummoned ſhall
ot appear; then on proof of the ſervice of ſuch ſummons,
ther perſonally, or by leaving the ſame at his dwelling-
ouſe, lodgings, or other uſual place of abode, it ſhall be law-
l for the juſtice to apprehend him by warrant, and to pro-
ed as if no previous ſummons had been directed by this act.
nd it ſhall be lawful for any keeper or under-keeper, and
heir ſervants or aſſiſtants, to ſeize and apprehend upon the Keeper may ſeize offenders.
pot any perſon whom they ſhall diſcover in the actual fact of
unting, courſing, killing, wounding, ſhooting at, taking,
eſtroying, or carrying away, any red or fallow deer, from any
oreſt, chaſe, purlieu, or ancient walk, whether incloſed or
ot, or in any incloſed park, paddock, wood, or any other in-
loſed ground, or attempting ſo to do; or in ſetting or laying
ny net, wire, ſlip, nooſe, toil, ſnare, or other engine there-
n, for taking, killing, or deſtroying of deer; and to carry
ſuch offender before ſome neighbouring juſtice, to be dealt
with according to law. The pecuniary penalties on this act
may be recovered before one juſtice, on the oath of one wit-
neſs or confeſſion; half to the king, to be paid for his uſe into
the hands of ſuch perſon as the juſtice ſhall direct, and half to Penalty, how applied.
the informer. And in caſe of non-payment thereof, with the
charges incident to the conviction, immediately upon the con-
viction, the ſame ſhall be levied by warrant of ſuch juſtice by
diſtreſs; and for want of ſufficient diſtreſs, the offender, ex-
cept in ſuch caſes where it is otherwiſe provided by this act,

shall be committed to the common gaol for one whole y unless the said penalty and charges shall be sooner paid. A if, upon conviction he doth not immediately pay the pen the justice may order him into custody during such time, exceeding three days, as such justice shall think proper to low for return of the want of distress. Provided, that i shall appear to the satisfaction of such justice, either by c fession of the party or otherwise, that he hath not goods or c tels sufficient whereon to levy the penalty, the justice m without issuing any warrant of distress, commit the party c victed, as if a warrant of distress had been issued, and a *Bona* returned thereon. Provided also, that if any pe committed for any first offence against this act shall, before commitment to prison, procure security to be given by sufficient sureties, to the satisfaction of such justice, for ment of the penalty with the charges incident, within six da inclusive of the day of conviction, the justice may accept such security, and, on non-payment thereof at the time, m cause the party and his said sureties to be apprehended by wa rant, and commit them to the common gaol, for such time the party convicted was liable to have been imprisoned, if such security had been given, unless the penalty *or* [probab *and*] charges shall be sooner paid. If any offender, for his offence, be committed for want of sufficient distress, and shall whilst in gaol, obtain the consent in writing of the prosecut and also of the owner, or other person chiefly intrusted wi the care of the deer in the forest or other place, for his re largement; the justices in sessions may cause him to be brough before them, and, by their order, may direct the gaoler to him at liberty. The conviction shall be fairly written o parchment or paper, in the following form of words, or an other form to the like effect:

Sureties to be procured.

Form of conviction.

Be it remembered, that on the —— day of —— —— in the year—— A. O. *was, upon the complaint of* A. I. *convicted before —— the justices of the peace for —— in pursuance of an act passed the sixteenth year of the reign of his Majesty King George th Third, for* ——.—— (as the case shall be). *Given under my hand and seal, the day and year above-written.*

And the same shall be certified to the next sessions, to be there filed amongst the records.

Destroying Game punishable by the BLACK ACT, which see.

Destroying covert for deer. See Burning.

Of Hares.

1 *J. c.* 27. Tracing them in snow.

EVERY person who shall trace or course any hares in the snow, shall, on conviction before two justices, by confession, or

oath of two witneſſes, be committed to gaol for three months, leſs he pay to the churchwardens for the uſe of the poor, s. for every hare; or after one month after his commitment, come bound by recognizance with two ſureties in 20l. each, fore two juſtices, not to offend again in like manner.

If any perſon ſhall be found or apprehended ſetting or uſing y ſnares, hare-pipes, or other like engines, and ſhall there- be convicted, by confeſſion, or oath of one witneſs, before e juſtice, in one month after the offence, he ſhall give the rty injured ſuch damages, and in ſuch time, as the juſtice ll appoint; and ſhall pay down preſently to the overſeers the uſe of the poor, ſuch ſum, not exceeding 10s. as the ſtice ſhall appoint; which, if he ſhall not do, the juſtice ſhall mmit him to the houſe of correction, for any time not ex- eding one month. 22 & 23 C. 2. c. 25. Hare-pipes, ſnares, &c.

If any perſon whatſoever ſhall take or kill any hare in the ght-time, he ſhall, on conviction before one juſtice, on oath one witneſs, forfeit 5l. half to the informer, and half to the or, by diſtreſs; or for want of diſtreſs, ſhall be ſent to the uſe of correction for three months for the firſt offence, and r every other offence, four months. 9 *Ann. c.* 25. Hare killed by night.

If any perſon ſhall knowingly and wilfully kill, take, or ſtroy, or uſe any gun, dog, ſnare, net, or other engine, with tent to kill, take, or deſtroy any hare in the night, that is to y, between the hours of ſeven at night and ſix in the morn- g from the 12th day of October to the 12th day of February, d between the hours of nine at night and four in the morn- g from the 12th day of February to the 12th day of Octo- r; or, in the day-time, upon a Sunday or Chriſtmas day, ſhall, on conviction on oath of one witneſs, before one juſ- ce, forfeit, for the firſt offence, not exceeding 20l. nor leſs an 10l.; and, for the ſecond offence, not exceeding 30l. nor ſs than 20l. And the juſtice ſhall cauſe the conviction to be ade out in the manner and form following: 13 *G.* 3. *c.* 80. Guns, dogs, nets, &c. by night.

Be it remembered, That on the —— day of —— in the year of r Lord ——— A. B. *is convicted before me —— one of his Ma- ſty's juſtices of the peace for the county of* ——— (ſpecifying he offence, with the time and place where the ſame was com- itted, and alſo ſpecifying that it was the firſt or ſecond of- ence againſt this act, as the caſe ſhall be). *Given under my and and ſeal the day and year aforeſaid.* Which conviction the aid juſtice ſhall cauſe to be fairly written on parchment, and eturned to the next ſeſſions to be filed by the clerk of the peace; who ſhall, upon application to him made, deliver opies thereof, on payment of 1s. for each copy. Form of conviction

on parchment.

But in caſe any information ſhall be made upon oath as foreſaid before a juſtice againſt an offender, and it ſhall ap- pear that ſuch offender hath already been convicted of a firſt and ſecond offence; in ſuch caſe, the juſtice ſhall commit him o the common gaol or houſe of correction till the next gene- Old offenders, how dealt with.

ral quarter-ſeſſions, unleſs he ſhall have entered into recognizance, with two ſufficient ſureties to appear at ſuch ſeſſions then and there to be tried by indictment for the ſaid offence and ſuch juſtice ſhall alſo bind over the informer to proſecute the ſaid offender by indictment as aforeſaid.

Limited time. Provided, that no proceedings ſhall be upon this act, unleſs information on oath be made before a juſtice, within one calendar month after the offence committed.

Penalties, &c. how paid. The ſaid forfeitures, for the firſt and ſecond offence, and alſo for the third offence, on conviction at the ſeſſions, together with the coſts and charges previous to and attending ſuch conviction (to be aſcertained by the juſtice or juſtices before whom the offender ſhall be convicted) ſhall be forthwith paid, half to the informer, and half to the poor. And if ſuch perſon ſhall refuſe or neglect to pay the ſame, or to give ſecurity for the payment thereof, ſuch juſtice or juſtices ſhall, by their warrant, cauſe the ſame to be levied by diſtreſs: And the ſaid juſtice or juſtices may order ſuch offender to be detained in ſafe

Offender in cuſtody. cuſtody, until return may conveniently be had to the warrant of diſtreſs, unleſs the party ſhall give ſufficient ſecurity, by recognizance or otherwiſe, to the ſatisfaction of ſuch juſtice or juſtices, for his appearance before the ſaid juſtice or juſtices on the day appointed, not exceeding ſeven days from the taking ſuch ſecurity: And if, upon ſuch return, no ſufficient diſtreſs can be had, the ſaid juſtice or juſtices ſhall commit the offender to the common gaol or houſe of correction for three calendar months, unleſs the forfeiture ſhall be ſooner paid; or until ſuch offender give notice to the informer, that he intends to appeal to the next ſeſſions, and enter into a recognizance before a juſtice, with two ſufficient ſureties, to try ſuch appeal at ſuch ſeſſions.

May be purſued into another country. If the offender dwells in another country, the juſtice or juſtices, before whom the information or indictment was made, may direct their warrant of apprehenſion and of diſtreſs to any conſtable where the offence was committed, to be by him carried to a juſtice reſiding near where the offender dwells, to be by him carried to a juſtice reſiding near where the offender dwells, to be ſigned by him on the back of the ſaid warrant, upon proof on oath of the hand-writing of the juſtice who firſt granted the warrant. And the juſtice who indorſed the warrant ſhall direct the conſtable or other perſon making the diſtreſs, to deliver over the money levied to the juſtice who firſt granted the warrant; and if ſuch conſtable or other perſon ſhall neglect or refuſe to pay ſuch ſum, or deliver over all proceedings upon ſuch diſtreſs or warrant of apprehenſion, the juſtice who firſt granted the warrant, or the juſtice who indorſed it, may commit him to the common gaol or houſe of correction for ſix months, or till the money ſhall be paid, and the proceedings delivered over.

1 J. c. 27. Every unqualified perſon who ſhall ſhoot at, kill, or deſtroy any

hare, shall, on conviction before two justices, by confes- Killing hares, penalty.
or oath of two witnesses, be committed to gaol for three
ths, unless he pay to the churchwardens, for the use of
poor, 20s. for every hare; or after one month after his
mitment, become bound by recognizance with two sureties
re two justices in 20l. each, not to offend again in like
ner. The recognizance to be returned to the next ses-
s.

When information shall be made of unlawful hunting in a 1 H. 7. c. 7. Hunting in a warren.
ren by night, or with painted faces, to any of the king's
nsel, or to a justice of the peace, of any person suspected,
may make a warrant to bring such person before himself or
other of the said counsel or justices; and if such person
l conceal the said hunting, or any of his accomplices, it
l be felony; but if he confesseth, it shall be but trespass
ble at the sessions.

If any person shall at any time enter wrongfully into any 22 & 23 C. 2. c. 25. Killing rabbits.
ren or ground lawfully used or kept for the breeding or
ping of conies, whether it be inclosed or not, and there
l chase, take, or kill any conies; and shall be thereof con-
ted in one month after the offence, before one justice, by
fession, or oath of one witness, he shall yield to the party
eved treble damages and costs, and be imprisoned three
nths, and after till he find sureties for his good behaviour.
person shall kill or take in the night any conies upon the
ders of warrens, on pain that the offender, on conviction in
month after the offence, before one justice, by confession,
oath of one witness, shall give to the party injured such da-
ges, and in such time as shall be appointed by the justice, Justice, how to act.
over and above pay down presently to the overseers, for the
of the poor, such sum not exceeding 10s. as the justice shall
point; which, if he shall not do, the justice shall commit
n to the house of correction for such time as he shall think
not exceeding one month. If any person shall be found
apprehended setting or using any snares or other like en-
nes, for taking of conies, and shall be thereof in like man-
r convicted, he shall give to the party grieved such da-
ges, and in such time as the justice shall appoint, and pay
wn presently to the overseer for the use of the poor such sum
t exceeding 10s. as the justice shall appoint; which, if he
ll not do, the justice shall commit him to the house of cor-
ction for any time not exceeding one month.

Of Hawks and Hawking.

No manner of person, of what condition or degree he be, 11 H. 7. c. 17. Hawks eggs, how secured.
all take, or cause to be taken, on his own ground, or any
her man's, the eggs of any faulcon, goshawk, or laner, out
f the nest; on pain (being convicted thereof before a justice
of

of the peace) of imprisonment for a year and a day, and at the king's will; half to the king, and half to the owner the ground where the eggs were taken.

23 El. c. 10. Hawking in standing corn.

If any manner of person shall hawk in another man's after it is eared, and before it is shocked, and be convicted at the assizes, sessions, or leet, he shall forfeit 40s. to owner: And if not paid in ten days, he shall be imprisoned a month.

Of Swans.

22 H. 7. c. 17. Swans eggs secured.

NO person shall take, or cause to be taken, on his ground, or any other man's, the eggs of any swan, on (on conviction before the justices of the peace) of imprisonment for a year and a day, and fine at the king's will, half the king, and half to the owner of the swans.

1 J. c. 27. Spoiling them in the nest.

Every person who shall take the eggs of any swans out of nest, or willingly spoil them in the nest, and shall be convicted thereof before two justices, by confession, or oath of witnesses, shall be committed to gaol for three months, unless he pay to the churchwardens for the use of the poor, 20s. every egg; or after one month of his commitment, become bound by recognizance, with two sureties, in 20l. each, before two justices, never to offend again in like manner; which recognizance shall be returned to the next sessions.

Of Partridges and Pheasants.

1 J. c. 27. Killing them, how punished.

EVERY person who shall shoot at, kill, or destroy a pheasant or partridge, or shall take, kill, or destroy them with setting dogs or nets, or shall take their eggs out of the nest or spoil them in the nest, shall, on conviction before two justices, by confession, or oath of two witnesses, be committed to gaol for three months, unless he pay, upon conviction, to the churchwardens for the use of the poor, 20s. for every pheasant, partridge, or egg, or after one month after his commitment, become bound, by recognizance, with two sureties, before two justices, in 20l. each, not to offend again in like manner. The recognizance to be returned to the next sessions.

Id. Selling them, or buying to sell again.

Every person who shall sell, or buy or sell again, any partridge or pheasant (except they be reared and brought up houses, or brought from beyond sea) shall, on conviction at assizes or sessions, or before two justices out of sessions, forfeit for every partridge, 10s. and for every pheasant, 20s. half him that shall sue, and half to the poor.

Id. Killing them at night, convicted at sessions, &c.

If any person, of what estate, degree, or condition soever shall take, kill, or destroy any pheasants or partridges in the night

ht-time, and be thereof convicted at the aſſizes, ſeſſions, or , he ſhall forfeit, for every pheaſant, 20s. and for every ridge, 10s. half to him that ſhall ſue, and half to the lord he manor, unleſs ſuch lord ſhall licence or procure the ſaid ing or killing; in which caſe, the ſaid half ſhall go to the r, to be recovered by any one of the churchwardens; and ot paid in ten days after conviction, he ſhall be impriſoned one month: And moreover, beſides ſuch forfeiture and im- ſonment, he ſhall give bond to ſome juſtice of the peace, h good ſureties, not to offend again in like manner for the ce of two years. Penalty, how applied. Bond given.

f any perſon whatſoever ſhall take or kill any pheaſant or tridge in the night-time, he ſhall, on conviction before juſtice, on oath of one witneſs, forfeit 5l. half to the in- mer, and half to the poor, by diſtreſs; for want of diſtreſs, hall be ſent to the houſe of correction for three months for firſt offence, and for every other offence, four months. 9 *An. c.* 25. Conviction before one juſtice.

f any perſon ſhall knowingly and wilfully kill, take, or troy, or uſe any gun, dog, ſnare, net, or other engine, h intent to kill, take, or deſtroy any pheaſant or partridge he night, that is, between the hours of ſeven at night and in the morning from the 12th day of October to the 12th of February, and between the hours of nine at night and in the morning, from the 12th day of February to the h day of October; or, in the day-time, on a Sunday or riſtmas-day, he ſhall forfeit, for the firſt offence, not ex- ding 20l. nor leſs than 10l.; for the ſecond offence, not eeding 30l. nor leſs than 20l.; for the third, and every r ſubſequent offence, 50l. To be levied and recovered as like penalties for killing any hare in the night, or on a day or Chriſtmas-day, as is above ſet forth. 13 *G.* 3. *c.* 80. Time of night limited. Lord's Day or Chriſtmas-day.

very perſon whatſoever, who ſhall hawk at, deſtroy, or any pheaſant or partridge, with any kind of hawk, or , by colour of hawking, between the firſt of July and the of Auguſt, ſhall, on conviction before two juſtices, by feſſion, or oath of two witneſſes, in ſix months after the of- e, be committed to gaol for one month, unleſs he pay, n conviction, to the churchwardens or overſeers, for the of the poor, 40s. for every ſuch hawking at any pheaſant partridge, and 20s. for every ſuch pheaſant or partridge ch he, his hawk, or dog, ſhall take or kill. 7 *J.* *c.* 11. Hawking limited.

o perſon ſhall, upon any pretence whatſoever, take, kill, y, ſell, buy, or have in his poſſeſſion or uſe, any partridge ween Feb. 12, and Sept. 1, or any pheaſant between Feb. nd Oct. 1, yearly, on pain of forfeiting, on conviction by witneſs, in any of the courts of record at Weſtminſter, 5l. every ſuch fowl, with full coſts. But this is not to extend ny pheaſant taken in the ſeaſon allowed by this act, and t in any mew or breeding-place. 2 *G.* 3. *c.* 19. Seaſon for killing partridges and pheaſants.

Of

Of Pigeons.

2 *G.* 3. *c.* 29. Shooting pigeons.

IF any perſon ſhall ſhoot at, with an intent to kill, or any means kill or take, with a wilful intent to deſtroy, houſe-dove or pigeon, and ſhall be thereof convicted, by feſſion or oath of one witneſs, before one juſtice where the fence was committed or the party apprehended, he ſhall

Penalty to the proſecutor.

feit 20s. to the proſecutor; and if not forthwith paid, juſtice may commit him to the gaol or houſe of correction, exceeding three calendar months, nor leſs than one, unleſs forfeiture ſhall be ſooner paid. Perſons convicted on this ſhall not be convicted on any former act: And proſecutions this act ſhall be commenced and carried on with effect w two months after the offence committed.

Of Wild Ducks, Wild Geeſe, and other Water-Fowl.

25 *H.* 8. *c.* 11. Time of taking them.

NO perſon, between the laſt day of May and the laſt d Auguſt yearly, ſhall take, or cauſe to be taken, any ducks, mallards, widgeons, teals, or wild geeſe, with ne other engines, on pain of a year's impriſonment, and a feiture of 4d. for every fowl ſo taken, half to the king, half to him that will ſue by action of debt: Alſo the ju of the peace may enquire of, hear, and determine the ſam in caſes of treſpaſs.

10 *G.* 2. *c.* 32. By a ſubſequent ſtatute, if any perſon whatſoever (bet June 1, and Oct. 1, yearly, 10 *G.* 2. *c.* 32.) ſhall, by tunnels, or other nets, drive and take any wild duck, widgeon, or any other water fowl, in any place of reſo wild-fowl in the moulting ſeaſon, and ſhall be convicted th of before one juſtice, by the oath of one witneſs, he ſhall, every ſuch fowl, forfeit 5s. half to the informer, and half poor, by diſtreſs, or be committed to the houſe of correc for any time not exceeding one month, nor leſs than four days, to be whipt and kept to hard labour. And the nets be ſeized and deſtroyed in the preſence of the juſtice.

Not in moulting ſeaſon.

25 *H.* 8. *c.* 11. Eggs not to be deſtroyed.

No perſon, from March 31, to June 30, yearly, ſhall or deſtroy the eggs of any mallard, teal, or other water-fo on pain of a year's impriſonment, and of forfeiting, for e egg, one penny, half to the king, and half to him that ſue by action of debt; or, the juſtices of the peace may de mine the ſame as in caſes of treſpaſs.

Of Heath-Fowl, Grouſe, and Buſtards.

NO perſon ſhall, upon any pretence whatſoever, wilfully take, kill, deſtroy, carry, ſell, buy, or have in his poſſeſſion or uſe, any heath-fowl, commonly called *Black Game*, between Dec. 10, and Aug. 20; nor any grouſe, commonly called *Red Game*, between Dec. 10, and Aug. 12; nor any *Buſtard*, between March 1, and Sept. 1, in any year; on pain of forfeiting, for the firſt offence, any ſum not exceeding 20l. nor leſs than 10l.; and, for the ſecond and every ſubſequent offence, not exceeding 30l. nor leſs than 20l.; half to the informer, and half to the poor; to be recovered in any of his Majeſty's courts of record at Weſtminſter, on proſecution within ſix calendar months after the offence committed. Or the ſame may be recovered before one juſtice, information on oath being made before him within three calendar months after the offence committed; which ſaid juſtice may convict the offender by confeſſion, or oath of one witneſs; and, on neglect or refuſal to pay, ſhall levy the ſame by diſtreſs, together with all coſts and charges attending the ſame. And ſuch juſtice may order the offender to be detained in ſafe cuſtody, until return may conveniently be had to the warrant of diſtreſs, unleſs the ſaid offender ſhall give ſecurity, by recognizance or otherwiſe, to the ſatisfaction of ſuch juſtice, for his appearance before him on the day appointed for the return of the warrant of diſtreſs, ſuch day not exceeding five days from the time of taking ſuch ſecurity. And if no ſufficient diſtreſs can be had, ſuch juſtice ſhall commit the offender to the common gaol or houſe of correction, there to be kept to hard labour for any time not exceeding ſix, nor leſs than three calendar months, unleſs the forfeiture, and all coſts and charges attending the proſecution, be ſooner paid; which conviction the juſtice ſhall cauſe to be written on parchment, and returned to the next ſeſſions, there to be filed and kept amongſt the records; and the clerk of the peace ſhall grant copies thereof, on payment of 1s. for each copy. And if any perſon ſhall think himſelf aggrieved, he may appeal to any general quarter-ſeſſions to be holden within four calendar months after the cauſe of complaint ſhall ariſe, giving fourteen days notice in writing to the juſtice, and to every other perſon againſt whom complaint ſhall be made; and in four days after ſuch notice, entering into recognizance before a juſtice with one ſufficient ſurety, conditioned to try the appeal at, and abide the order of, and pay ſuch coſts as ſhall be awarded by the juſtices at ſuch ſeſſions. And the juſtice having received notice of appeal, ſhall return all proceedings had before him, touching the matter of the ſaid appeal, to the juſtices at ſuch ſeſſions. And the ſaid juſtices, upon proof of the notice given, and of the entering into ſuch recognizance,

13 G. 3 c. 55.

Black game.
Red game.
Buſtard.
Times of killing ſpecified.

Juſtice, his duty.

Appeal allowed, if aggrieved.

Proceedings not to be removed.

ſhall determine the appeal in a ſummary way, and award coſts to either party. And none of the proceedings ſhall be quaſhed for want of form, nor be removed by certiorari or other proceſs into any of the courts at Weſtminſter.

9. *An.* c. 25. Killing moor game at night.

If any perſon whatſoever ſhall take or kill any moor, heath-game, or grouſe, in the night-time, he ſhall, on conviction before one juſtice, on the oath of one witneſs, forfeit 3l. half to the informer, and half to the poor, by diſtreſs; for want of diſtreſs, to be ſent to the houſe of correction for three months for the firſt offence, and for every other offence, four months.

Of Herons.

19 *H.* 7. c. 11. Herons taken only with hawks.

NO perſon, without his own ground, ſhall ſlay, take, or cauſe to be taken, any herons, unleſs it be with hawking, on pain of 6s. 8d. to him who ſhall ſue by action of debt; or the ſeſſions may call before them perſons ſuſpected, and examine them; and if found in default, may commit them till they have found ſurety for payment of the forfeiture to the king; and the juſtices ſhall have the tenth part of the forfeiture for their labour.

25 *H.* 8. c. 11. Herons' eggs taken.

If any perſon, from March 31, to June 30, ſhall take or deſtroy the eggs of any heron, he ſhall be impriſoned for a year, and forfeit, for every egg, 8d. half to the king, and half to him that will ſue by action of debt, or before the juſtices of the peace.

The penalty of fiſhing in Ponds and other private Fiſheries.

22 & 23 C. 2. c. 25. Stealing fiſh out ponds, &c.

WHEREAS divers idle, diſorderly, and mean perſons, betake themſelves to the ſtealing, taking, and killing of fiſh, out of ponds, pools, motes, ſtews, and other ſeveral waters and rivers, to the great damage of the owners thereof; it is enacted, that if any perſon ſhall uſe any net, angle, hair, nooſe, troll, or ſpear; or ſhall lay any wears, pots, fiſh-hooks, or other engines; or ſhall take any fiſh by any means or device whatſoever, or be aiding thereunto, in any river, ſtew, pond, mote, or other water, without the conſent of the lord or owner of the water; and be thereof convicted by confeſſion, or oath of one witneſs, before one juſtice, in one month after the offence, every ſuch offender in ſtealing, taking, or killing fiſh, ſhall, for every ſuch offence, give to the party injured ſuch recompence, and in ſuch time, as the juſtice ſhall appoint, not exceeding treble damages; and moreover, ſhall pay down to the overſeers for the uſe of the poor, ſuch ſum, not exceeding 10s. as the juſtice ſhall think meet: In default of payment, to

before one juſtice within a month.

be

e levied by diſtreſs; for want of diſtreſs, to be committed to he houſe of correction not exceeding one month, unleſs he en- r into bond with one ſurety to the party injured, not exceed- g 10l. never to offend in like manner. And the juſtices may ake, cut, and deſtroy all ſuch angles, ſpears, hairs, nooſes, olls, wears, pots, fiſh-hooks, nets, or other engines, where- ith ſuch offender ſhall be apprehended. Perſons aggrieved ay appeal to the next ſeſſions, whoſe determination ſhall be nal, if no title to any land, royalty, or fiſhery be therein con- erned.

Juſtices may deſtroy angles, nets, &c.

If any perſon ſhall enter into any park or paddock fenced n and incloſed, or into any garden, orchard, or yard, ad- oining or belonging to any dwelling-houſe, in or through which park or paddock, garden, orchard, or yard any river or tream of water ſhall run or be, or wherein ſhall be any river, tream, pond, pool, moat, ſtew, or other water, and by any ways, means, or device whatſoever, ſhall ſteal, take, kill, or deſtroy any fiſh bred, kept, or preſerved therein, without the conſent of the owner thereof; or ſhall be aiding or aſſiſting herein; or ſhall receive or buy any ſuch fiſh, knowing the ſame to be ſo ſtolen or taken as aforeſaid, and ſhall be convic- ted thereof at the aſſizes, within ſix calendar months after the offence committed, he ſhall be tranſported for ſeven years.— And any offender, ſurrendering himſelf to a juſtice, or being apprehended or in cuſtody for ſuch offence, or on any other account, who ſhall make confeſſion thereof, and a true diſ- covery on oath of his accomplice or accomplices, ſo as ſuch ac- complice may be apprehended, and ſhall, on trial, give evi- dence ſo as to convict ſuch accomplice, ſhall be diſcharged of the offence ſo by him confeſſed. And if any perſon ſhall take, kill, or deſtroy, or attempt to take, kill, or deſtroy any fiſh in any river or ſtream, pond, pool, or other water (not being in any park or paddock, or in any garden, orchard, or yard, ad- joining or belonging to any dwelling-houſe, but in any other incloſed ground, being private property), he ſhall, on con- viction before one juſtice, on the oath of one witneſs, forfeit 5l. to the owner or owners of the fiſhery of ſuch river or ſtream of water, or of ſuch pond, pool, moat, or other water: And ſuch juſtice, on complaint upon oath, may iſſue his warrant to bring the perſon complained of before him; and if he ſhall be convicted before ſuch juſtice, or any other juſtice of the county or place, he ſhall immediately, after conviction, pay the ſaid penalty of 5l. to ſuch juſtice, for the uſe of ſuch per- ſon as the ſame is hereby appointed to be paid unto; and, in default thereof, ſhall be committed by ſuch juſtice to the houſe of correction for any time not exceeding ſix months, unleſs the forfeiture ſhall be ſooner paid: Or ſuch owner of the fiſhery may bring an action for the penalty (within ſix calendar months after the offence) in any of the courts of record at Weſt- minſter.

5 G. 3. c. 14. ſtealing fiſh from park or incloſure.

Offender ſurrendering himſelf, and convicting an accomplice, to be diſcharged.

Fiſhing in private property.

Rules concerning the Aſſize, and preſerving the Breed of Fiſh. See Burn, vol. 2.

17 *R.* 2. *c.* 9. Who may ſurvey wears, &c.

THE juſtices of the peace (and the mayor of London on the Thames and Medway) ſhall ſurvey and ſearch all the wears in ſuch rivers, that they ſhall not be very ſtrait for the deſtruction of fry and brood, but of reaſonable wideneſs after the old aſſize uſed or accuſtomed; and they ſhall appoint under-conſervators, who ſhall be ſworn to make like ſurvey, ſearch, and puniſhment. And they ſhall enquire in ſeſſion, as well by their office, as at the information of the under-conſervators, of all defaults aforeſaid, and ſhall cauſe them which ſhall be thereof indicted, to come before them; and if they be thereof convict, they ſhall have impriſonment, and make fine at the diſcretion of the juſtices; and if the ſame be at the information of an under-conſervator, he ſhall have half the fine.

33 *G.* 2. *c.* 27. Improper ſale of fiſh.

No perſon ſhall take, or knowingly have in his poſſeſſion, either in the water or on ſhore, or ſell or expoſe to ſale any ſpawn, fry, or brood of fiſh, or any unſizeable fiſh, or fiſh out of ſeaſon, or any ſmelt not five inches long: And any perſon may ſeize the ſame, together with the baſkets and package, and charge a conſtable or other peace officer with the offender and with the goods, who ſhall carry them before a juſtice; and, on conviction before ſuch juſtice, the ſame ſhall be forfeited and delivered to the proſecutor; and the offender ſhall beſides forfeit 20s. to be levied by diſtreſs by warrant of ſuch juſtice, and diſtributed half to the proſecutor, and half to the poor of the pariſh where the offence was committed (and any inhabitant of ſuch pariſh, nevertheleſs, may be a witneſs); for want of ſufficient diſtreſs, the offender ſhall be committed to the houſe of correction, to be kept to hard labour for any time not exceeding three months, unleſs the forfeiture be ſooner paid. Provided, that the juſtice may mitigate the ſaid penalty, ſo as not to remit above one half. Perſons aggrieved, may appeal to the next ſeſſions. [Form of conviction, ſee Article FISH, at the end.]

How puniſhed.

Rules concerning fiſh in or near the ſea.

9 *G.* 2. *c.* 33. Time of taking lobſters.

NO perſon ſhall take, kill, or deſtroy any lobſters on the coaſt of Scotland, from June 1, to Sept. 1, on pain of 5l. to be recovered by any perſon who ſhall inform and ſue for the ſame, on a ſummary complaint before two juſtices of the ſhire on the coaſt where the offence ſhall be committed.

3 *J.* *c.* 12. Setting up a new wear.

Every perſon who ſhall ſet up any new wear along the ſea ſhore, or in any haven, harbour, or creek, or within five miles of the mouth of any haven or creek, ſhall, on conviction, before

e one juſtice, or mayor, forfeit, for every offence, 10l. half he king, and half to him that ſhall ſue; to be levied by conſtables or churchwardens by diſtreſs.

If any perſon ſhall uſe at ſea, on the Engliſh coaſt, any ul net, drag-net, or ſet-net, for catching of any fiſh (ex- herrings, pilchards, ſprats, or lavidnian) which hath the ſh leſs than 3½ inches from knot to knot; or which hath a ſe or double bottom; or ſhall put one net behind another; ſhall, on conviction (after ſummons) before one juſtice ere the offender reſides or ſhall be found, on oath of two neſſes, in one month after the offence, forfeit the ſame, and 20l. half to the informer, and half to the poor, by diſ- s; for want of ſufficient diſtreſs, to be committed to gaol twelve months; and the nets to be burnt. Perſons ag- eved, may appeal to the next ſeſſions.

1 *G. ſt.* 2. c. 18. Drag-nets at ſea.

Gaming.

ALL juſtices of the peace, mayors, ſheriffs, and other head officers, may enter all houſes and places where gaming ll be ſuſpected to be holden, and as well the keepers of the ne, as alſo the perſons there reſorting or playing, may take, eſt, and impriſon, and keep in priſon, until the ſaid keep- have found ſureties to the king's uſe, to be bound by re- gnizance or otherwiſe, no longer to uſe, keep, or occupy ſuch houſe, play, game, alley, or place; and alſo that perſons there ſo found, be in like caſe bound by them- ves, or with ſureties, no more to play, haunt, or exerciſe m thenceforth, in, at, or to any of the ſaid places, or at y of the ſaid games. All juſtices of the peace, mayors, liffs, ſheriffs, and other head officers, and every of them, ding or knowing any perſon uſing unlawful games, con- ry to this act, may commit every ſuch offender to ward, re to remain without bail or mainprize, till he be bound by ligation to the king's uſe, in ſuch ſum as by the diſcretion the ſaid juſtices, or other ſuch officers ſhall be thought rea- nable, that they ſhall not from thenceforth uſe ſuch unlaw- game.

33 *H.* 8. c. 9. Gaming houſes may be in- ſpected.

Offenders com- mitted.

Where it ſhall be proved, on the oath of two witneſſes, be- e any juſtice of the peace, as well as where he ſhall find, up- his own view, that any perſon hath uſed any unlawful game ntrary to the ſaid ſtatute, the ſaid juſtice ſhall have power commit him to priſon without bail, unleſs and until he ſhall ter into recognizance, with ſureties, or without, at the diſ- tion of the juſtices, that he ſhall not, from thenceforth, ay at, or uſe ſuch unlawful game. And where any for- tures ſhall be found within the precincts of any leet, the d ſhall have one half, and the other half ſhall be to him that ſhall

2 *G.* 2. c. 28. Proof by two witneſſes, be- fore one juſtice.

ſhall ſue in any of the king's courts, and elſewhere, they ſ
be half to the king, and half to him that will ſue in
manner.

31 *El. c.* 5. Suits at quarter-ſeſſion.

All ſuits to be purſued upon any ſtatute for uſing any
lawful game, ſhall be ſued and proſecuted, or otherwiſe
and determined, in the general quarter-ſeſſions or aſſizes of
county where the offence ſhall be committed, or in the
within which it ſhall happen, and not in any wiſe out of
county.

30 *G.* 2. *c.* 24.

If any perſon, licenſed to ſell any ſorts of liquors, or
ſhall ſell or ſuffer the ſame to be ſold in his houſe, out-hou
ground, or apartment thereto belonging, ſhall knowingly
fer any gaming with cards, dice, draughts, ſhuffle-boa
miſſiſſipi, or billiard-tables, ſkittles, nine pins, or with
other implement of gaming, in his houſe, out-houſe, grou
or apartment thereto belonging, by any journeyman, labour
ſervant, or apprentice, and ſhall be convicted thereof on
feſſion, or oath of one witneſs, before one juſtice, within
days after the offence committed, he ſhall forfeit, for the
offence, 40s. and for every other offence, 10l. by diſtreſs,
warrant of ſuch juſtice; three fourths of which ſhall be to
churchwardens for the uſe of the poor, and one fourth to
informer. And if any journeyman, labourer, apprentice,
ſervant, ſhall game in any houſe, out-houſe, ground, or a
ment thereto belonging, wherein any liquors ſhall be ſold,
complaint thereof ſhall be made on oath before one ju
where the offence ſhall be committed, he ſhall iſſue his wa
to the conſtable or other peace officer of the place wherein
offence is charged to have been committed, or where the
fender ſhall reſide, to apprehend and carry the offender be
ſome juſtice of the place where the offence ſhall be commi
or where the offender ſhall reſide; and if ſuch perſon ſha
convicted thereof by the oath of one witneſs or confeſſion,
ſhall forfeit, not exceeding 20s. nor leſs than 5s. as the ju
ſhall order, every time he ſhall ſo offend, and be convicte
aforeſaid, one fourth to the informer, and three fourths to
overſeers for the uſe of the poor; and if he ſhall not forth
pay down the ſame, ſuch juſtice ſhall commit him to the ho
of correction, or ſome other priſon of the place where
ſhall be apprehended, to be kept to hard labour for any t
not exceeding one month, or until he ſhall pay the forfeit
And any juſtice, unto whom complaint upon oath ſhall
made, of any offence committed againſt this act, ſhall iſſue
warrant for bringing before him, or ſome other juſtice of
place, the perſon charged with ſuch offence; and the ju
before whom he is brought ſhall hear and determine the ma
and proceed to judgment and conviction; and if it ſhall
pear upon oath to the ſatisfaction of ſuch juſtice, that any p
ſon within his juriſdiction can give material evidence on be
of the proſecutor of the perſon accuſed, and who will not

Journeyman labourer, apprentice, or ſervant, may be apprehended,

from 5s. to 20s. for every offence.

luntari

tarily appear, he shall issue his summons to convene him to e his evidence; and if he shall neglect or refuse to appear such summons, and no just excuse shall be offered, then (on of upon oath of the summons having been duly served upon n) he shall issue his warrant to bring such witness before n; and, on his appearance, if he shall refuse to be examin- on oath, without offering just cause for such refusal, the jus- e shall commit him to the public prison for any time not ex- ding three months. [Form of conviction, see Burn, vol. ii.] And if any person, convicted of any offence punishable by s act, shall think himself aggrieved by the judgment of the tice before whom he shall have been convicted, he may ap- l to the next sessions; and execution shall be respited, the son, at the time of conviction, entering into recognizance h two sureties, in double the sum he was to pay, to abide judgment of the quarter-sessions; which recognizance, the tice is hereby empowered and required to take.

Any house, room, garden, or other place kept for public cing, music, or other entertainment of the like kind, in ndon, or within twenty miles thereof, without licence as eafter following (except the theatres of Drury-lane, Co- t-Garden, the Hay-market, and other entertainments ex- ised by letters patent or licence of the crown, or of the lord mberlain) shall be deemed a disorderly house or place, and keeper thereof shall forfeit 100l. with full costs, to him who ll sue (in six months) in any of the courts at Westminster. d the person who shall appear to act as master, or as having management of such disorderly house, shall be deemed the per thereof.

Which said licence shall be granted at the last preceding chaelmas sessions, and shall be signed and sealed by four tices in open court, and afterwards be publicly read by the k of the peace, with the names of the justices subscribing same; and no licence shall be granted at any adjourned ons; nor shall any fee be taken for the same. And there ll be inserted in such licence, and made conditions thereof, t the words following shall be affixed in large capital letters r the door or entrance of every such licensed house or place, . *Licensed pursuant to act of parliament of the twenty-fifth of g George the Second*; and that it shall not be opened before In the afternoon. And in case of a breach of either of the conditions, the licence shall be forfeited, and revoked by justices at the next sessions, and shall not be renewed.

And, to encourage prosecutions against persons keeping vdy houses, gaming-houses, or other disorderly houses, the stable, on notice given him in writing by any two inhabi- ts of the parish, paying scot and lot, of any person keeping h house, shall forthwith go with them to a justice of the ce; and shall (on their making oath that they believe the contents

Evidence not appearing, punishable.

Power of appeal.

25 *G.* 2. *c.* 36.

Disorderly house.

Id.
Licences at Michaelmas sessions.

Inscription.

Time of opening.

Licences, if forfeited, not renewable.

Id.

Mode of prosecution.

contents of ſuch notice to be true, and entering into a rec-
nizance of 20l. each to produce evidence of the offence) en-
into a recognizance of 30l. to proſecute with effect ſuch per-
at the next ſeſſions or aſſizes, as to the juſtices ſhall ſeem me-

Conſtable bound to proſecute, and the perſons accuſed to appear.

and, on the conſtable entering into ſuch recognizance, a
juſtice ſhall iſſue his warrant for bringing the accuſed per-
before him, and ſhall bind them over to appear at the ſaid
ſions or aſſizes, and ſhall alſo, if he thinks fit, demand
take ſurety for their good behaviour in the mean time.

Refuſal puniſhable.

And if the conſtable ſhall neglect or refuſe, upon ſuch
tice, to go before a juſtice, or to enter into recognizance,
ſhall be wilfully negligent in carrying on the proſecution,
ſhall forfeit 20l. to each of the ſaid inhabitants.

Expences allowed.

And the conſtable ſhall be allowed all the reaſonable expe-
ces of the proſecution, to be aſcertained by two juſtices;
ſhall be paid the ſame by the overſeers of the poor: And if
perſon be convicted, the overſeers ſhall alſo forthwith pay
to each of ſuch inhabitants, on pain of forfeiting double to
ſaid perſons.

Inhabitants recompenſed.

9 *An.* c. 14.

Any perſon who ſhall, at any time or ſitting, by playing
cards, dice, or other game whatſoever, or by betting on
ſides of ſuch as do play, *loſe* to any one or more perſons ſo pl
ing or betting, in the whole, the ſum or value of 10l. and
pay or deliver the ſame, or any part thereof, ſhall be
berty, in three months, to ſue for and recover the ſame,
coſts, in any court of record; and if he ſhall not ſue in
months, it ſhall be lawful for any perſon to ſue for and reco
the ſame, and treble value, with coſts; half to ſuch per
who ſhall ſue, and half to the poor.

Id.

If any perſon ſhall, at any one time or ſitting, *win* of
one or more perſon or perſons, above the ſum or value of
he ſhall, upon conviction on indictment or information, for
five times the value of the ſum of money or other thing
won, to be recovered by the perſon ſuing for the ſame.

18 G. 2. c. 34.

If any perſon ſhall win or loſe at play, or by betting at
one time the ſum or value of 10l. or within the ſpace of tw
ty-four hours, the ſum or value of 20l. he ſhall be liable to
indicted for ſuch offence in ſix months, either in the kin
bench, or at the aſſizes; and being convicted, ſhall be fi
five times the value of the ſum won or loſt, which (after ſe
charges as the court ſhall judge reaſonable, allowed thereou
the proſecutor and evidence) ſhall go to the poor. And if a
offender ſhall diſcover another offender, ſo that he be convi
ted, the diſcoverer ſhall be diſcharged from all penalties
reaſon of ſuch offence, if not before convicted thereof, and ſh
be admitted as an evidence to prove the ſame.

16 C. 2.

If any perſon ſhall play at cards, dice, or other paſtim
or game whatſoever (other than for ready money), or bet on th
ſides of ſuch as ſhall play, and ſhall loſe any ſum or oth
thing, exceeding 100l. at any one time or meeting, upo
ticket

cket, credit, or otherwiſe, and ſhall not pay down the ſame the time when he ſhall loſe the game, he ſhall not be bound make it good, but the contract for the ſame, and for every rt thereof, and all aſſurances and ſecurities for the ſame, ſhall void; and the winner ſhall forfeit treble value of all ſuch ms as he ſhall ſo win above 100l. half to the king, and half him that ſhall ſue, in one year, in any of the courts of re-rd at Weſtminſter, with treble coſts.

All notes, bills, bonds, judgments, mortgages, or other curities, where the whole or any part of the conſideration all be for money or any other valuable thing won by play-g at cards, dice, tennis, bowls, or any other game; or by etting on the ſides of ſuch as do game; or for the reimbur-ng or repaying any money, knowingly lent or advanced, at e time and place of ſuch play, to any perſon ſo gaming or etting, or that ſhall, during ſuch play, ſo play or bett, ſhall e void: And where ſuch ſecurities ſhall be of lands, or ſuch incumber or affect the ſame, they ſhall enure, and be to the ble uſe and benefit of, and devolve upon ſuch perſon as might ave ſuch lands, in caſe the ſaid granter, or perſon ſo encum-ring the ſame, had been dead: And all conveyances to hin-er them from devolving on ſuch perſon, ſhall be void. 9 *An. c.* 14.

Any two juſtices may cauſe to come, or to be brought be-ore them, every perſon whom they ſhall have juſt cauſe to ſuſ-ect to have no viſible eſtate, profeſſion, or calling, to main-ain themſelves by, but for the moſt part to ſupport themſelves y gaming; and if ſuch perſon ſhall not make it appear to the aid juſtices, that the principal part of his expences is not maintained by gaming, they ſhall require of him ſufficient ureties for his good behaviour for twelve months, and, in default of his finding ſuch ſecurities, ſhall commit him to the common gaol, until he find ſuch ſecurities as aforeſaid. And if he ſhall, during the time for which he ſhall be bound, at any one time or ſitting, play or bet for any ſums or other thing, exceeding in the whole the value of 20s. ſuch playing ſhall be deemed a forfeiture of the recognizance. 9 *An. c.* 14. Suſpected perſons, how to be dealt with.

Lotteries.

ALL juſtices of the peace, mayors, conſtables, and other civil officers, ſhall uſe their utmoſt endeavours to prevent the drawing of any unlawful lottery, by all lawful ways and means; and every perſon who ſhall ſet up, or by writing or printing, publiſh the ſetting up any unlawful lottery, with intent to have ſuch lottery drawn, ſhall forfeit 100l. one third to the king, one third to the poor, and one third, with full coſts, to him who ſhall ſue in the courts at Weſtminſter. 9 *An. c.* 6. Unlawful lotteries to be prevented. Penalty.

Every perſon who ſhall keep any office or place, under the denomination of ſales of houſes, lands, &c. or ſhall ſell or expoſe 8 *G. c.* 2.

Office for unlawful ſales, by lottery, &c.

poſe to ſale the ſame, or any of them, by way of lottery, or by lots, tickets, &c. or ſhall make, print, adverti ſe, or publiſh propoſals or ſchemes for advancing ſmall ſums of money by ſeveral perſons, amounting in the whole to large ſums, to be divided among them by the chances of the prizes in ſome public lottery; or ſhall deliver out tickets; or ſhall make, print, or publiſh any propoſal or ſcheme of the like nature, under any denomination whatſoever, and ſhall be thereof convicted, on oath of one witneſs, by two juſtices where the offence ſhall be committed, or the offender ſhall be found, he ſhall, over and above any penalties by any former act made againſt private lotteries, forfeit 500l. one third to the king, one third to the informer, and one third to the poor, to be levied by diſtreſs and ſale by warrant of ſuch juſtices, and ſhall alſo, by ſuch juſtices, be committed to the county gaol without bail for one whole year, and from thence till the ſaid ſum of 500l. ſhall be paid: Provided that the perſons aggrieved may appeal to the next quarter-ſeſſions. And every perſon who ſhall be adventurer in, or any way contribute on the account of any ſuch ſales, lotteries, propoſals, or ſchemes, ſhall forfeit double the ſum contributed, with coſts, half to the king, and half to him that ſhall ſue in the courts at Weſtminſter.

Penalty, 500l.

Power of appeal.

Adventurer, how puniſhed.

12 G. 2. c. 28. Keeper of every ſuch office or place for gaming.

If any perſon ſhall erect, ſet up, continue, or keep any ſuch office or place, or ſhall expoſe to ſale any houſes, lands, advowſons, preſentations to livings, plate, jewels, ſhips, or other goods, by any game, method, or device whatſoever, depending upon, or to be determined by any lot or drawing, whether it be out of a box or wheel, or by cards or dice, or by any machine, engine, or device of chance of any kind whatſoever, he ſhall, on conviction before any juſtice of the peace (or mayor), on the oath of one witneſs, or view of ſuch juſtice, or confeſſion, forfeit 200l. by diſtreſs and ſale, by warrant of one juſtice of the county or town where the offence ſhall be committed; which ſaid forfeiture (after deducting reaſonable charges of the proſecution) ſhall go one third to the informer, and two thirds to the poor of the pariſh (except in Bath, where the ſaid two thirds ſhall go to the poor of the hoſpital there). And if the offender ſhall not have ſufficient goods, whereon to levy the penalties, or ſhall not immediately pay or give ſecurity for the ſame, the juſtice before whom he ſhall be convicted, may commit him to the common gaol, not exceeding ſix months, and the ſale ſhall be void.

Penalty, 200l.

Prohibited games ſpecified.

All and every perſon or perſons who ſhall ſet up, maintain, or keep the games of the ace of hearts, faro, baſſet, and hazard, ſhall be ſubject and liable to all and every the penalties and forfeitures in and by this act inflicted upon any perſon or perſons, who ſhall erect, ſet up, continue, or keep any of the ſaid games or lotteries in this preſent act mentioned, and ſhall be proſecuted and convicted, and the penalties and forfeitures ſhall be ſued for and recovered, in like manner as the

ſaid

ld penalties and forfeitures are, by this act, directed to be ed for and recovered.

And if any witneſs ſhall neglect or refuſe to appear, upon mmons, or ſhall refuſe to give evidence, or give falſe evi- nce, he ſhall forfeit 5ol. by diſtreſs, by warrant of the per- n iſſuing ſuch ſummons: And if he have not ſufficient goods whereon to levy the 5ol. he ſhall be committed to the com- on gaol for ſix months. 18 G. 2. c. 34. Evidence refuſing to appear.

But if any perſon think himſelf aggrieved by the Judg- ent of any Juſtice or mayor, he may appeal to the next ſeſ- ons, giving reaſonable notice to the proſecutor. And if any ſtice or mayor ſhall neglect his duty herein, he ſhall forfeit ol. with full coſts, half to him that ſhall ſue (in ſix months) any court of record, or at the aſſizes, and half to the oor. 18 G. 2. c. 28. Power of appeal.

If any perſon ſhall, by colour of any grant from any foreign ince or ſtate, ſet up any lottery; or ſhall make, print, or bliſh any propoſal for any ſuch lottery or undertaking, and all be convicted thereof, on oath of one witneſs, before two ſtices where the offence ſhall be committed, or the offender all be found, he ſhall, over and above any penalties by rmer acts againſt unlawful lotteries, forfeit 200l. one third the king, one third to the informer, and one third to the oor, to be levied by diſtreſs, by warrant of ſuch juſtices; and all alſo by them be committed to the county gaol for one ear, and from thence till the ſaid ſum of 200l. be paid: Pro- ided, that perſons aggrieved may appeal to the next quarter- eſſions. 9 G. 2. c. 19. Procurer of protection.

No perſon ſhall keep any office for buying or ſelling, or therwiſe dealing in any tickets in the lottery, without firſt aking out a licence for that purpoſe, but previouſly to the de- very of it, there ſhall be paid the ſum of fifty pounds for very ſuch licence, at the ſtamp-office. No licence to be ranted for any office in Oxford or Cambridge. Perſons keep- ng any office contrary to this act, ſhall forfeit one hundred ounds. The words, *Licenſed to deal in lottery tickets*, to be ritten upon the door in the front of the office. The contract n every ſale of a ſmaller ſhare than a ſixteenth ſhall be void in aw, and the ſeller ſhall forfeit fifty pounds. All penalties in- urred by offending againſt this act (except where a different node of proſecution is herein before ſpecially preſcribed), ſhall e recoverable before any two or more of his Majeſty's juſtices f the peace for the county, &c. in which the offence ſhall be ommitted, by the oath or oaths of one or more credible wit- reſs or witneſſes, or on confeſſion of the offender; and one noiety ſhall belong to the informer, and the other to his Ma- eſty, to be levied by diſtreſs, by warrant under the hands and eals of ſuch juſtices; and for want of ſufficient diſtreſs, the of- ender ſhall be ſent by ſuch juſtices to the houſe of correction, here to be kept to hard labour for any time not exceeding ſix 23 G. 3. c. 47. Dealers in tickets, if unlicenſed. Penalty, 100l. Penalties before two juſtices.

months, nor less than three months, as such justices shall think proper, unless such penalty shall be sooner paid or satisfied. Justices may mitigate penalties to one half, over and above the costs and charges.

Gaol *and* Gaoler.

Building and Repairing of Gaols.

12 *G.* 2. *c.* 29. Justices may contract for building or repairing.

THE justices, or the greater number of them, within the limits of their commission, upon presentment of the grand jury at the assizes (or sessions, 12 *G.* 2. *c.* 29.) of the insufficiency or inconveniency of the county gaol, may contract with any person for the building, finishing, or repairing the same.

Id. Paid out of county rate.

The expence thereof to be paid by the treasurer, out of the next general county rate.

Gaoler shall receive Criminals.

5 *H.* 4. *c.* 10.

ALL felons shall be imprisoned in the common gaol, and not elsewhere.

4 *Ed.* 3. *c.* 10. Gaoler punishable.

And if the gaoler refuses to receive a felon, or take any thing for receiving him, he shall be punished for the same by the justices of the gaol delivery.

6 *G. c.* 19. Vagrants, where committed.

But vagrants and other criminals, offenders, and persons charged with small offences, may, for such offences, or for want of sureties, be committed either to the common gaol, or house of correction, as the justices, in their judgment, shall think proper.

How they shall be maintained.

12 *G.* 2. *c.* 29. Provided for by county rate.

THEY are to be provided for by a sum to be paid out of the general county-rate, by the high constables, to such sufficient persons dwelling nigh the gaols, as shall be appointed by the justices in open sessions, who shall be there ready to receive it.

How

How Priſoners may be ſet on work.

THE juſtices, in their general ſeſſions, if they find it need-, may provide a ſtock of ſuch materials as they find con-nient for the ſetting poor priſoners on work, to be paid for the treaſurer out of the general county rate; and may pay d provide fit perſons to overſee and ſet ſuch priſoners on ork; and make ſuch orders for accounts concerning the pre-ſes, as ſhall be thought needful, and for puniſhment of ne-ect and other abuſes, and for beſtowing the profits ariſing by e labour of the priſoners for their relief. Provided that the m to be ſo paid do not exceed the rate of 6d. a week for any e pariſh.

19 *C.* 2, *c.* 4. 12 *G.* 2. *c.* 29. Materials to be provided.

How they ſhall be reſtrained and kept.

THE county gaol is the priſon for malefactors; but pri-ners for debt, where an action lies againſt the ſheriff for their ſcaping, may be kept in what place the ſheriff pleaſes.

L. Raym. 136. Malefactors and debtors ſeparate.

But, on emergent occaſions, as in caſe of infectious diſeaſes, e ſheriff or gaoler, with the advice and conſent of three or ore juſtices (1 *Q.*) may, if they ſhall find it needful, provide ther ſafe places (with the owner's conſent) for the removal of ck or other perſons out of the uſual gaols.

19 *C.* 2. *c.* 4. In caſes of infection. Removal of priſoners.

The gaoler ſhall not put, keep, or lodge priſoners for debt nd felons together in one room or chamber; but they ſhall be ut, kept, and lodged ſeparate and apart from one another in diſ-inct rooms, on pain of forfeiting his office, and treble da-nages to the party grieved.

22 & 23 *C.* 2. *c.* 20. Penalty on putting priſoners together.

The juſtices, in their ſeveral quarter-ſeſſions, ſhall order the alls and cielings of the ſeveral wards, both of the debtors nd felons, and alſo of any other rooms uſed by the priſoners n their reſpective gaols where felons are uſually confined, to e ſcraped and white-waſhed once in the year at leaſt; and to e regularly waſhed and kept clean, and conſtantly ſupplied with freſh air by hand-ventilators, or otherwiſe; and ſhall or-er two rooms in each gaol, one for the men, and the other for the women, to be ſet apart for the ſick priſoners, directing hem to be removed into ſuch rooms, as ſoon as they ſhall be eized with any diſorder, and kept ſeparate from thoſe who ſhall be in health; and ſhall order a warm and cold bath, or commodious bathing tubs, to be provided in each gaol, and direct the priſoners to be waſhed in ſuch warm or cold baths or bathing tubs, according to the condition in which they ſhall be at the time, before they are ſuffered to go out of the gaol upon any occaſion whatſoever. And they ſhall order this act to be printed in large and legible characters upon a board, and hung

14 *G.* 3. *c.* 59. Walls white-waſhed.

Gaol ventilated.

Baths provided.

Act printed, and hung up.

hung up in ſome conſpicuous part of the gaol. And they ſh

Surgeon, &c. to report.

alſo appoint an experienced ſurgeon or apothecary, at a ſta
ſalary, to attend the gaol, who ſhall report to the juſtices,
each quarter-ſeſſions, a ſtate of the health of the priſoners u
der his care. And they ſhall have power, in the ſaid quarte

Cloaths, when neceſſary.

ſeſſions, to order cloaths to be provided for the priſoners, wh
they ſee occaſion; and, to prevent the priſoners from bei
kept under ground, whenever they can do it conveniently; a

Health of priſoners.

to make ſuch other orders, from time to time, for reſtoring
preſerving the health of priſoners, as they ſhall think nec
ſary; and alſo to direct the ſeveral courts of juſtice within th
reſpective juriſdictions, to be properly ventilated. And if t

Gaoler's neglect.

gaoler ſhall neglect or diſobey the orders of the juſtices,
may be proceeded againſt in a ſummary way, by complaint
the judges of aſſize, or to the juſtices in their quarter-ſeſſion

Gaols.

24 *G.* 3. *ſeſſ.* 2. *c.* 54.

JUSTICES in ſeſſions, upon preſentment by the grand jur are enabled to build and repair gaols in their reſpecti counties.

Juſtices to build and repair.

The juſtices are to give notice, three times at leaſt, in ſom

Id.

public paper, of ſuch preſentment having been made, and
their intention to take the ſame into their conſideration, at th
next, or ſome other general quarter-ſeſſion; and after ſuc
conſideration, they ſhall give notice of their intention to con

To contract with builders.

tract with perſons for repairing, rebuilding, or enlarging ſuc
gaol. Such contracts to be entered in a book, to be kept b
the clerk of the peace, liable to be inſpected by the juſtices,
any perſon contributing to the rates of the county, &c. with
out fee or reward.

Id.

New gaol may be built by juſtices.

If the preſentment ſets forth, that the place wherein the ol
gaol is ſituate is improper, the ſaid juſtices may build a ne
gaol in any part of the county, &c. provided three-fourths i
number of the juſtices aſſembled at two ſucceſſive quarter-ſeſ
ſions, after due notice as aforeſaid, ſhall approve of ſuch re
moval, but not otherwiſe.

Id.

Separate places of confinement.

The juſtices, in their choice of the ground, and in deter
mining their plans, ſhall purſue ſuch meaſures as ſhall provid
ſeparate and diſtinct places of confinement, and dry and airy
cells, for priſoners of the following deſcriptions by day and
night, viz. Priſoners convicted of felony; priſoners committed
on charge of ſuſpicion of felony; priſoners committed
for or adjudged to be guilty of miſdemeanors, and debtors;

Sexes ſeparated.

the males of each claſs to be ſeparated from the females: And
a ſeparate place of confinement for ſuch priſoners as are to be
examined as witneſſes on behalf of any proſecution of an in-

Infirmaries, chapel, baths.

dictment for felony: Separate infirmaries, or ſick wards, for
men and women; and alſo a chapel; and convenient warm

and

cold baths, or bathing tubs, as directed by 14 *G.* 3. *c.* 59.; care ſhall be taken that the priſoners ſhall not be kept underground.

The juſtices may purchaſe lands, houſes, &c. for building, arging, and accommodating ſuch gaols. 24 *G.* 3. *ſeſſ.* 2. *c.* 54. Purchaſe of lands.

The ſheriff may remove the priſoners to ſuch houſe or houſes orrection belonging to ſuch county, &c. as the juſtices ſo mbled, with the conſent of the ſaid ſheriff, ſhall approve and ſhall confine them there, while the new gaol is build-, or the old gaol is repairing or enlarging: The expence of removal to be paid by the county, city, diviſion, &c. *Id.* What done while new gaol is building.

The juſtices, at their general quarter-ſeſſions, may nominate appoint one or more juſtice or juſtices to viſit and ſuper-nd the gaols, and make report of the ſtate thereof to the rt of the ſaid general quarter-ſeſſions; which court, on h report, may order and direct any ſum or ſums of money exceeding 200l. in any one year to be laid out in repairing h gaols; though ſuch warrant of repair ſhall not have been ſented by the grand jury; and any one or more juſtice or ices may order accidental damages to be repaired immeely, ſo far as may be neceſſary and ſufficient for the ſafe ody of the priſoners; and ſuch juſtice or juſtices ſhall re-t the ſame to the next court of general quarter-ſeſſions; ich court is hereby authorized to order the payment of ſuch nies as have been neceſſarily expended on ſuch repairs. *Id.* Viſiting juſtices.

Expences of re-building or repairing county gaols are to be rayed by the county rates: But when the eſtimate ſhall exd one half of the amount of the annual county rate, taken a mean proportion for the laſt five years, the juſtices, in ir quarter-ſeſſions, may borrow, on mortgage of the rates, h ſums not leſs than 50l. nor more than 100l. each, at legal lower intereſt, as to the major part of them (not being leſs n five) ſhall appear neceſſary and expedient: Such agreents, ſigned by the chairman, and two or more juſtices pret at making the order, to be an effectual ſecurity. *Id.* County rates to pay for repairs, &c. of gaols.

When rates may be mortgaged.

All perſons, to whom ſuch ſecurities ſhall be made, may nſfer them to any others. The juſtices may charge the nty rates not only with the intereſt of the ſums ſo borrow-but alſo with the payment of a further ſum, equal, at leaſt, ſuch intereſt; which laſt ſhall be applied to the diſcharge ſo many of the principal ſums, as it will extend to diſcharge each year; till the whole, both principal and intereſt, ſhall fully paid and diſcharged. *Id.* Securities tranſferred.

All receipts and payments are to be entered in a book, to be t by a proper perſon, and inſpected by the juſtices at every ions; and if the perſon appointed to keep the account ſhall have applied the money to the purpoſes hereby directed, ſhall forfeit double the amount. The juſtices ſhall direct what order the ſecurities ſhall be diſcharged by lot or otherſe, diſcharging ſuch firſt, which ſhall bear the higheſt intereſt. 24 *G.* 3. *ſeſſ.* 2. *c.* 54. Accounts inſpected.

tereſt. The whole money to be paid, within a limited tim not exceeding fourteen years.

24 G. 3. ſeſſ. 2. c. 54. Guardians may ſell or convey lands.

Bodies politic, and guardians, may ſell and convey lands f the purpoſe of erecting new gaols, or enlarging the old one But if the purchaſe-money of ſuch lands ſhall exceed 100l. ſhall be laid out in purchaſe of lands, &c. ſubject to the ſa uſes, and till the purchaſes are made, it ſhall be laid out in g vernment ſecurities, whether it be more or leſs than 100l.

Id.

If the parties refuſe to treat, the juſtices in ſeſſions, or t two or more appointed for that purpoſe, ſhall enquire into t

Jury may ſettle value.

value of ſuch houſes, &c. and ſhall aſcertain it by a jury of different men, whoſe verdict ſhall be final.

Id.

How impannelled.

The juſtices, or any two of them, may iſſue their warrant the ſheriff or bailiff, requiring him to impannel, ſummon, a return twenty-four qualified perſons, out of whom they ſh draw by ballot, and ſwear, or cauſe to be ſworn, twelve m who ſhall be the jury for the purpoſe aforeſaid. And ſuch j tices may impoſe a fine of not more than 10l. nor leſs than 5 on any ſheriff or bailiff, &c. making default herein: Expen of the jury to be borne by the building fund, if adjudged to worth more, and by the *ſeller*, if leſs, than the juſtices had fered.

Expences, by whom borne.

Id.

Juſtices may take poſſeſſion.

On payment of the money, or leaving it in the hands of ſu perſons as the juſtices in ſeſſion ſhall appoint, the juſtices, any two of them, may take poſſeſſion of the premiſes.

Id.

Where the county is divided into ſeveral ridings, the ju tices for the ſeveral diviſions, in the next general quarter-ſe ſion after the preſentment of the gaol, may nominate three more juſtices, who ſhall, within one month (due notice h ing been given to the juſtices by the clerk of the peace of ſu diviſions reſpectively), meet and aſſemble at ſuch gaol. A the ſaid juſtices, or the major part of them (ſuch major p not being leſs than five) ſhall hold a ſpecial ſeſſions at the gaol, for receiving plans, contracts, &c. and the ſaid laſt me tioned juſtices ſhall make their report to the general quarte ſeſſions of the peace of ſuch ridings, of the ſeveral plans and timates, and alſo of the expence neceſſary to be raiſed on e riding, as their quota of the expence to be incurred; wh ſums ſhall be raiſed after the manner of county rates.

Special ſeſſion for receiving plans, &c.

Report of expence, &c.

24 G. 3. ſeſſ. 2. c. 54. No juſtice to have any intereſt in contracts, &c.

No juſtice, doing any thing in the execution of this a ſhall be capable of having any beneficial intereſt or conce whatſoever, in any contract or agreement, nor ſhall receive benefit or emolument for any deſign or plan which he may d liver or produce.

Id. Salaries to gaolers inſtead of liquors.

The juſtices, at their ſeſſions, or at ſome ſpecial adjour ment held for that purpoſe, may appoint ſuch ſalaries and lowances to gaolers as they ſhall think proper, in lieu of t advantages which might ariſe from the ſale of liquors in th gaols: Such ſalaries to be paid by the treaſurer of the coun city, &c. when ſigned by the chairman of the ſeſſions.

ſuch certificate of ſalaries is not to be ſigned by the chairman, till they ſhall have been ſettled at the next general quarter-ſeſſions, or at ſome ſpecial adjournment thereof; of which ſeſſions or adjournment, notice ſhall have been given at leaſt fourteen days before in the public papers by the clerk of the peace.

24 *G.* 3. *ſeſſ.* 2. *c.* 54. Tippling and gaming prohibited.

No gaoler, from June 24, 1785, ſhall ſuffer tippling or gaming in the priſon, or ſhall ſell, or ſuffer to be ſold, any wine, beer, ale, or other liquors, or have any intereſt in the ſale thereof, under the penalty of 10l. for every ſuch offence; to be recovered by diſtreſs, on confeſſion, or the oath of any witneſs or witneſſes, which oath the juſtices are hereby empowered to adminiſter.

Id. Penalties, how applied.

The penalty, after charges of recovering it are deducted, ſhall be paid, one moiety to the informer, and the other to the uſe of the priſoner; and, on failure of diſtreſs, the offender to be committed to the houſe of correction for three months, or till the penalty, and all reaſonable charges ſhall be paid.

Id.

Juſtices ſhall cauſe the conviction of any perſon offending againſt this act, to be drawn up in this form:

Form of conviction.

Be it remembered, that on the —— day of —— in the —— year of the reign of his Majeſty —— A. B. is convicted before —— one of his Majeſty's juſtices of the peace for the ſaid —— by virtue of an act of parliament made in the 24th year of the reign of his Majeſty King George the third, entitled, An act to enable juſtices of peace to build and repair gaols in their reſpective counties, of [here ſet forth the offence, and the time when, and place where the ſame was committed]. *Given under my hand and ſeal the day and year aforeſaid.*

Form of mortgage, and charge upon the county-rates for ſecuring ſums borrowed, is at the end of the act, and needs not to be inſerted here.

Of Clergymen to officiate in Gaols.

13 *G.* 3. *c.* 58. Chaplain's ſalary.

THE juſtices in ſeſſions may appoint clergymen to officiate in gaols according to the rites of the church of England, and allow to each a ſalary not exceeding 50l. a year; to be paid by the treaſurer out of the county rate.

How priſoners ſhall be delivered.

14 *G.* 3. *c.* 20. No fee to the gaoler.

If the priſoner is acquitted, or diſcharged upon proclamation for want of proſecution, or hath no bill found againſt him, he ſhall pay no fee to the gaoler for his diſcharge; but ſuch fees as hath been uſual, not exceeding 13*s.* 4*d.* ſhall, on certificate of the judge or juſtice before whom ſuch priſoner hath been diſcharged, be paid out of the general county rate.

Concerning Debtors.

32 G. 2. c. 28. Sheriffs officers' fees.

NO ſheriff, bailiff, or other officer, ſhall take more for one or more night's lodging, or for a day's diet, or other expences* of any perſon under arreſt, than ſhall be allowed by order of ſeſſions; which ſeſſions ſhall make order therein, and vary the ſame from time to time, as they ſhall ſee occaſion; and ſhall cauſe a copy of every ſuch order, and of every variation or alteration thereof, ſigned by the clerk of the peace, to be put up and kept in ſome conſpicuous place in the ſeſſions houſe or other proper place, that the ſame may be there ſeen and examined. And every ſheriff, and other perſon intruſted with the execution of proceſs, ſhall deliver a printed copy of the ſeveral clauſes in this act relating to bailiffs and other perſons to be employed under them, to every ſuch bailiff and other perſon; and ſhall alſo make it part of the condition of the bond to be given by ſuch bailiff or other perſon, that he will ſhew and deliver a copy of the ſaid clauſes to every perſon he ſhall arreſt, and go with to any public or other houſe where any liquor ſhall be ſold, and that he will permit every perſon ſo arreſted, or any friend of his, to read over the ſame clauſes before any liquor, meat, or victuals ſhall be called for or brought to ſuch perſon: And if any bailiff ſhall offend in the premiſes, he ſhall, beſides the breach of the condition of the bond, be deemed guilty of a miſdemeanor in the execution of the proceſs, and puniſhable as ſuch by virtue of this act. And the ſheriffs and gaolers ſhall ſuffer any priſoner for debt, at his will and pleaſure, to ſend for or to have brought unto him, at ſeaſonable times in the day, any beer, ale, victuals, or other neceſſary food, from what place he ſhall think fit, or can have the ſame; and alſo to have and uſe ſuch bedding, linen, and other neceſſaries, as he ſhall have occaſion for and think fit, or ſhall be ſupplied with, without purloining or detaining the ſame, or requiring him to pay for the having or uſing thereof, or putting any manner of reſtraint or difficulty upon him in relation thereunto.

Copy to be ſhewn to the party arreſted.

Indulgence to debtors.

32 G. 2. c. 28.

The two lords chief juſtices and lord chief baron, or two of them, together with the mayor and two aldermen of London, or with three aldermen without the mayor, in reſpect of the priſons within the ſaid city; and the ſaid lords chief juſtices and chief baron, or two of them, together with three juſtices of the peace of Middleſex and Surry reſpectively, for the priſons within the ſaid counties; and elſewhere, the juſtices in ſeſſions, ſhall eſtabliſh tables of the rates and fees to be taken by

Tables of fees to be eſtabliſhed,

* N. B. It may not be amiſs to inſert in this place a determination of the court of King's Bench, Michaelmas term 1787; viz. that the ſheriff is entitled, on the levying of executions, to nothing more than what is allowed by Eliz. 29, which entitles the ſheriff to 1s. in the pound on all executions, where the ſum levied amounts to 100l. or leſs, and to 6d. in the pound, for all above that ſum.

gaolers

gaolers within their reſpective juriſdiction, and vary the ſame, from time to time, as they ſhall ſee occaſion. The ſame to be ſigned reſpectively by the ſaid judges, mayor, aldermen, and juſtices within London, Middleſex, and Surrey, and elſewhere, to be ſigned by three or more juſtices in ſeſſions, and afterwards reviewed and confirmed or moderated by the judges of aſſize (or juſtices of great ſeſſions in Wales and Cheſhire) at the next aſſizes to be held after making or varying the ſame as aforeſaid; the ſame to be afterwards ſigned by the ſaid judges of aſſize and three juſtices of the peace of ſuch diviſion or place reſpectively; and proper rules and orders, for the better government of the reſpective gaols and priſoners therein, ſhall be made, and altered from time to time, as there ſhall be occaſion, by the courts of Weſtminſter-hall, for the ſeveral priſons belonging to the ſaid courts; and, by the ſaid lords chief juſtices and chief barons or two of them, together with the mayor of London and two aldermen, or with three aldermen without the mayor, for the priſons within the ſaid city: And, by the ſaid lords chief juſtices and chief baron, or two of them, together with three juſtices of the peace, for the priſons within Middleſex and Surrey; and elſewhere, by three or more juſtices in ſeſſions, for the priſons within their reſpective diſtricts; the ſame to be afterwards reviewed, and altered, if thought neceſſary, by the judges of aſſize at the next aſſizes after making or altering the ſame.

and altered from time to time.

And duplicates of every ſuch table of fees and of orders which ſhall be made for the priſons belonging to the courts of Weſtminſter-hall, ſhall be enrolled in ſuch court: And for any other priſons, ſhall be tranſmitted to the clerk of the peace, to be enrolled by him, without fee; and every ſuch clerk of the peace ſhall cauſe another copy thereof to be hung up in the court where the aſſizes or quarter-ſeſſions ſhall be held, there to remain and be inſpected; and ſhall cauſe another copy thereof to be tranſmitted to the gaoler; and ſuch gaoler ſhall forthwith cauſe the ſame to be hung up in ſome open place, and in a conſpicuous manner in his gaol; and to be there kept up, ſo as that the priſoners may have free reſort thereto, at ſeaſonable times in the day, without paying any thing for the ſame. The courts at Weſtminſter, juſtices of aſſize (and great ſeſſions), juſtices of the peace, and commiſſioners for charitable uſes, ſhall, from time to time, enquire concerning gifts and bequeſts to poor priſoners; they may ſend for papers and witneſſes, and examine perſons upon oath, and order and ſettle the payment thereof in ſuch eaſy and expeditious way as they ſhall think proper. And a table of ſuch benefactions, after every ſuch ſettling thereof, ſhall be tranſmitted to the clerk of the peace, to be regiſtered by him without fee; and another table to the gaoler, to be hung and kept up by him in ſome conſpicuous place in his gaol.

31 G. 2. c. 28. Duplicates enrolled.

Hung up in court.

A copy to the gaoler.

To be hung up in the gaol.

Gifts and Bequeſts to priſoners.

Concerning the Priſons of the King's Bench and Marſhalſea.

22 G. 2. c. 29.

County relief.

THE juſtices in Eaſter ſeſſions ſhall ſet down what ſums ſhall be ſent out of every county or place corporate, for the relief of the poor priſoners of the king's-bench and Marſhalſea, ſo as there be ſent out of every county yearly 20s. at the leaſt to each of the ſaid priſons; to be paid by the high conſtables out of the general county rate, to two ſuch treaſurers, or one of them, as by the moſt part of the juſtices of the county ſhall be elected to be treaſurers.

29 G. 3. c. 67. Gaoler's certificate at Michaelmas quarter-ſeſſion,

At the quarter-ſeſſion next after the ſeſſion of parliament, 1789, and at the Michaelmas ſeſſion annually, a certificate in the form annexed, ſhall be delivered by every gaoler to the chairman, read in open court, in the preſence of the grand jury, and entered upon record as part of the minutes of the ſaid ſeſſion.

to be examined and conſidered.

The ſaid court of quarter-ſeſſion ſhall thereupon take the ſaid certificate into their conſideration, and ſummon any perſon or perſons named therein to appear before them, and ſhall give ſuch directions, and make ſuch orders relative to any of the matters contained in ſuch certificate, as to ſuch juſtices ſhall ſeem meet; and ſhall and may take ſecurity from any perſon or perſons whom the ſame may concern for his or their due compliance therewith.

Penalty for gaoler's neglect.

If any gaoler or other officer, having the care or ſuperintendance of any gaol, being a county gaol, ſhall neglect to deliver, or cauſe to be delivered ſuch certificate as aforeſaid, he ſhall forfeit, for every ſuch offence, the ſum of 50l. and, not being a county gaol, the ſum of 20l. to be recovered by any perſon who ſhall ſue for the ſame.

Certificate referred to by this act.

to wit. { *At the general quarter-ſeſſions of the peace for the* *holden at* *this* *day of* *in the year of our Lord*

the certificate of *in purſuance of the ſtatute in this caſe made and provided, reſpecting the gaol of*

22 & 23 C. 2. c. 20, enacts, that felons and debtors ſhall be kept ſeparate, under penalties upon the ſheriff or gaoler.

24 G. 2. c. 40. enacts, 1. That no gaoler ſhall ſell, lend, uſe, or give away, or ſuffer ſpirituous liquors within any gaol, under a penalty.

2. That a copy of the clauſe laſt mentioned, as alſo of two other clauſes reſpecting the ſame, ſhall be hung up in the gaol, under a penalty.

G. 2. c. 28. enacts, that the clerk of the peace ſhall cauſe
of the fees payable by debtors, and the rules and orders
he government of gaols and priſons, to be hung up in the
t where the aſſizes and ſeſſions ſhall be held, and ſend ano-
copy to the gaol; and the gaoler ſhall cauſe the ſame to
ung up in a conſpicuous place in the ſaid gaol.

G. 3. c. 58. enacts, that clergymen may be provided to
iate in gaols.

G. 3. c. 20. enacts, that perſons acquitted, or diſchar-
upon proclamation, for want of proſecution, ſhall be diſ-
ged immediately, in open court, and without fee.

G. 3. c. 59. enacts, that 1. The walls and cielings of
in gaols ſhall be ſcraped and white-waſhed once in the
at leaſt.

That the cells ſhall be kept clean; and

That they ſhall be ſupplied with freſh air, by ventilators
herwiſe.

That there ſhall be two rooms ſet apart for the ſick.

That a warm and cold bath, or bathing tubs, ſhall be
ided.

That this act ſhall be hung up in the gaol.

That a ſurgeon or apothecary ſhall be appointed, with a
y.

. B. *To theſe ſeveral articles, the gaoler is expected to make a icular return.*

or the better regulation of gaols, and other places of con- 31 G. 3. c. 46.
ment uſed as houſes of correction or penitentiary houſes, Appointment of governor, &c.
nd for the ſeveral counties, ridings, and diviſions, within part of Great Britain called England; it is enacted, by ſtatute, That the juſtices of the peace, aſſembled at one or e general or quarter-ſeſſions for any county, riding, or di-n, or at any ſpecial adjournment thereof, held for ſuch eſs purpoſe, of which ſeſſions or adjournment, public no-ſhall have been given in ſome newſpaper circulating in county, and ſigned by the clerk of the peace, and at h five juſtices at leaſt ſhall be preſent, ſhall appoint a go-or or taſk-maſter, and ſuch other officers, for every place onfinement uſed as a houſe of correction, or penitentiary ſe, in and for ſuch county, riding, or diviſion; and with ſalaries and allowances for the ſaid governor, and other ers, as they, the ſaid juſtices, or the major part of them, deem neceſſary, and ſhall order or direct the ſaid ſa-s to be paid out of the county rate; and the ſaid juſtices Juſtice's power of removal.
, from time to time, have power to remove the governor other officers of the ſaid houſes, and to appoint others in ſtead, and to increaſe or diminiſh the number of the of-s, excluſive of the governor, and alſo to alter the ſalaries allowances of ſuch governor, and other officers, as they , from time to time, find convenient.

fixing the ſalary and allowance of ſuch governor or taſk-maſter,

master, the justices shall have regard, so far as may be, to
making the emoluments of the office depend on the quantity
Reference to work done. work done and performed in such houses; that it may be
the interest, as well as duty, of such governor or task-mas
to see that all persons under his custody be regularly and
Governor's security. fitably employed. The governor and other officers shall
such security for the performance of their respective duties,
31 G. 3. c. 46. to such person or persons, as the said justices, from time
time, shall appoint; and such governor, or other officers,
any negligence or misbehaviour in their respective offices,
either be proceeded against on the security so to be given,
shall be fineable by the said justices, at any general or quar
sessions, in the same manner as the governor of any house
correction is fineable by justices of the peace, by 7 Jac.
c. 4, and by 17 G. 2. c. 5.

Governor ejected. If any governor of any such house, being removed by
order of the said justices, at their general or quarter-sessio
or any adjournment thereof, shall refuse or neglect to quit
possession of the said house for forty-eight hours next after
tice given to him in writing by the clerk of the peace, any
or more of the said justices, upon proof before them of
order of removal, such notice thereof, and such neglect or
fusal to comply with the same, may, by warrant under th
hands and seals, direct the sheriff of the said county to rem
such governor out of the said house, and the sheriff shall
cordingly clear the possession thereof, in like manner as u
a writ of *habere facias possessionem*.

Rules and orders, by whom made. The justices of the peace are hereby authorized and requir
at some general or quarter-sessions, or adjourned session,
make such rules and orders for receiving, separating, classi
dieting, cloathing, maintaining, employing, reforming,
verning, managing, treating, and watching all offenders, d
ing their respective confinement in the said penitenti
houses, and also for adjusting what aid shall be given to th
as well upon such confinement, as on their being released,
to the said justices shall seem most fit and proper; but no
rules and orders shall be made at any such sessions, unless
justices at least shall be present; and in making such rules
orders, the said justices shall have regard to the discipli
provisions, and directions contained in an act of 19 G. 3.
concerning the two national penitentiary houses therein m
tioned; but such rules and orders shall not begin to have
force until they have been submitted to the justices of a
By whom confirmed. great session, over and terminer, or gaol delivery, at th
sizes which shall be holden for such county next after the
ing of such rules and orders, or at some subsequent assizes;
the said justices, to whom such rules and orders shall
been submitted, shall have subscribed a certificate or dec
tion, that they do not see any thing contrary to law in the
rules and orders so to be made as aforesaid. Rules and or

ll afterwards be added to, or altered, from time to time, as
n as the ſaid juſtices of the peace for ſuch county, at any
eral or quarter-ſeſſions, or adjourned ſeſſion (at which five
eaſt ſhall be preſent) ſhall think neceſſary; and ſuch ad-
ons and alterations ſhall alſo, in like manner, be ſubmitted 31 G. 3. c. 46.
he juſtices of aſſize, great ſeſſion, oyer and terminer, or
l delivery, at any aſſizes for ſuch county, in manner afore-
, who ſhall ſubſcribe ſuch certificate or declaration as be-
mentioned. Nothing herein contained ſhall extend to
rive any convict of the benefit of any weekly or other allow- Convict's allow-
e, which has uſually been, or hereafter may be, granted ance continued.
made by virtue of any law, ſtatute, cuſtom, or order, for
purpoſe of maintaining and ſupporting convicted priſoners,
vided always that the application of all and every ſuch al-
ance be ſubject to ſuch limitations and reſtrictions as may
contained in the rules and orders herein directed to be made
the government and police of the ſaid houſes.

Every governor of the ſeveral places of confinement to be
d as houſes of correction, or penitentiary houſes, and his or
ir aſſiſtants, ſhall have the ſame powers over the offenders
e confined therein, as are incident to the office of a ſheriff, Governor an-
of a gaoler, and in like manner be anſwerable for the eſcape ſwerable for
any offender within his cuſtody. The ſaid governor ſhall eſcape.
e power to hear complaints, and examine perſons touching
nces, and puniſh the ſame (except by whipping) in ſuch Power as to pu-
the ſame manner as the governor of each penitentiary niſhment.
ſe, directed to be built by the ſaid act of the nineteenth
r of his preſent Majeſty, is, by the ſaid act, empowered to
and in caſe of the repetition of ſuch offences, or in caſe of
ces more enormous, which the ſaid governor is not by this
empowered to puniſh, the ſaid governor ſhall report the
e to the viſiting juſtices, or one of them, for the time being, Report to viſit-
e appointed as herein-after is directed, and ſuch juſtices, ing juſtices.
one of them, ſhall have power to enquire, upon oath, and
ermine concerning all ſuch offences ſo reported to them, and
ll order ſuch offenders to be puniſhed, either by moderate
ipping, repeated whippings, or by cloſe confinement, for
term not exceeding one month. If any perſon, ordered to
d labour, ſhall at any time, during the term for which he or
ſhall be ſo ordered, break priſon, or ſhall eſcape from the Breaking pri-
ce of his or her confinement, or in the conveyance to the ſon, &c.
e, or from the perſon or perſons having the lawful cuſtody
uch offender; or if any perſon ſhall reſcue any offender, who
ll be ordered to hard labour, either during his or her con-
ance to the place of his or her confinement, or whilſt ſuch
nder ſhall be in the cuſtody of the perſon or perſons under
oſe care and charge he or ſhe ſhall be confined; or if any per- Aſſiſting in reſ-
ſhall be aiding or aſſiſting in any ſuch reſcue, or if any cue.
ſon having ſuch cuſtody, as an aſſiſtant, ſhall voluntarily or
ligently permit ſuch offender to eſcape; or if any perſon
ſhall,

31 G. 3. c. 46. shall, by supplying arms, tools, instruments, or means of e guise, or otherwise in any manner aid or assist any such offe der in any escape, or in any attempt to make an escape, thou no escape be actually made, every such offence as aforesaid sh be punished in the same manner as the like offence would

How punishable. punishable under the before-mentioned act of 19 G. 3. c. 7 if such had been committed by or in respect to any person dered to hard labour in either of the two penitentiary hou therein mentioned.

The provision of 19 G. 3. c. 74, for prosecutions escapes, &c. shall extend to this act.

The justices of the peace shall, at every general or quart sessions after the passing of this act, appoint two or more j

Visiting justice's duty. tices visitors of each of the said gaols and other places of c finement; and such visiting justices so respectively appoi shall, either together or singly, personally visit and insp such prison at least three times in every quarter of a year, oftener, if occasion shall require, and shall examine into state of the buildings, the behaviour and conduct of the spective officers, and the treatment and condition of the soners, the amount of their earnings, and the expences att ing such prison, and in matters of pressing necessity, and w in the powers of their commission as justices, shall take co zance thereon, and proceed to regulate and redress the sa and at every general or quarter-sessions of the peace, the

Report in writing. visiting justices respectively shall make a report in writi the state and condition of the same, and of all abuses w may occur to their observation therein; and the chairma the said sessions is hereby required to call upon the said visi

Every justice may inspect, for such report. It shall be lawful for every justice of peace for such county, riding, or division, of his own acc and without being appointed a visitor, to enter into and examine the same at such time or times, and as often a shall think fit; and if he shall discover any abuses therein,

and report to the sessions, is hereby required to report them in writing at the next g ral or quarter-sessions of the peace, or adjourned sessions, w shall be holden for such county, riding, or division. When port of any abuses in the said place of confinement shal made by the said visiting justices, or either of them, or by other justice of the peace for such county, riding, or divi the abuses so reported shall be taken into immediate consid

to be enquired into. tion by the justices of the peace for such county, &c. and are hereby required to adopt the most effectual measures for quiring into and rectifying such abuses, as soon as the na of the case will allow.

Rules and orders. A body of rules, orders, and regulations, as bye laws for government of the said gaols, and of the prisoners to be the confined, shall be made, framed, and confirmed, by such sons, and in such manner as is appointed for county gaol general, by a statute of 30 G. 2. c. 28. In the same rules,

rs, and regulations, proper and particular directions ſhall be ven for effectuating ſuch ſeparation and claſſing of priſoners, is directed by 24 *G.* 3. *c.* 54, with ſuch further ſeparation d claſſing as ſhall be thought requiſite, and alſo as well as for forcing, amongſt the priſoners of all deſcriptions, cleanli- ſs, temperance, and a decent and orderly behaviour, as for curing a juſt and humane treatment of them by the gaoler d his ſervants, and all directions contained in the ſaid act, ſpecting ſuch rules and orders, ſhall be exactly conformed to. 31 *G.* 3. *c.* 46.

Separation and claſſing of priſoners.

The court, by whom any offender ſhall be ſentenced to nſportation for crimes committed after the firſt day of July, 91, or, in the caſe of any offender to whom his Majeſty's royal rcy ſhall have been extended on condition of tranſportation, any judge or juſtice of the court, by or before whom ſuch ender ſhall have been convicted, or any juſtice of the king's nch, common pleas, or baron of the exchequer, or juſtice of er and terminer, or general gaol delivery, or juſtices of peace their quarter-ſeſſion, may order and adjudge that ſuch per- n ſhall be impriſoned and kept to hard labour in the com- on gaol, in and for the county where ſuch offender ſhall have en convicted, until he or ſhe be tranſported, or otherwiſe re- oved according to law, or until he or ſhe, by the expiration the term of ſuch ſentence of tranſportation, or otherwiſe, ll be entitled to his or her liberty; and the time during ich ſuch offender ſhall ſo continue confined, ſhall be reckon- in diſcharge, or part of diſcharge, or ſatisfaction, of the m of his or her tranſportation. †

Convicts for tranſportation, how dealt with.

The keeper of the common gaol, and alſo the governors or epers of the ſeveral places of confinement to be uſed as peni- ntiary houſes, on the firſt day of every aſſizes, great ſeſſions, general gaol delivery, ſhall make a juſt and true return in iting to the clerk of aſſize, or other clerk or proper officer of h court, ſpecifying the number and ſize of the cells com- eted for the reception of priſoners ordered to impriſonment d hard labour, the names of all and every perſon or per- ns in his cuſtody, the offences of which they have been guilty, e court before which each perſon was convicted, the ſentence the court, if tried and convicted before any court of record, , if committed by one or more of his Majeſty's juſtices of the ace, the name of the juſtice or juſtices, before whom ſuch rſon or perſons was or were convicted, and the offence of hich ſuch perſon or perſons was or were convicted, the age, dily eſtate, and behaviour, of every ſuch convict.

Keeper's return.

Number and ſize of cells, &c. &c.

Every ſuch return, before it is delivered into court, ſhall be amined by one or more of the viſiting juſtices, to be appoint- as herein-before directed, who is hereby required to ſign ch return, and to annex thereto ſuch obſervations as he all think fit on every particular therein contained. 31 *G.* 3. *c.* 46. Return to be ſigned.

† N. B. Where there are hopes of reformation, a pardon has been often tained, on condition of their being kept to hard labour for a fixed term of ars; and where the offender is really reclaimed, that term has been ſhorten- , or a free pardon granted.

Separation of prisoners,

As long as any person under sentence of transportation s[hall] continue in the common gaol, the gaoler having custody [of] such offender, shall separate such convict, as far as conve[nient]ly may be, from every person in his custody,* except pr[i]soners convicted of felony.

If it can be effected; if not, what to be done.

If the common gaol shall not be in a state to afford the m[eans] of separation according to the directions of the act of 24 G. c. 54, the said gaoler shall report the insufficiency of [the] county gaol to the grand jury, great sessions, or general g[aol] delivery, next after the passing of this act, and at every [next] subsequent assize, great session, or general gaol delivery, till [the] means of separation shall be effected.

Materials for work.

And whereas, by an act of 19 *Car.* 2. *c.* 4, it was enacted, That the justices of the peace, in their respective counties, [at] any of their general sessions, should provide a stock of materials for the setting poor prisoners on work, in such manner and [in] such ways as other county charges may be levied and raised, and should pay and provide fit persons to oversee and set such persons on work, and make such orders as shall by them be thought needful, and should bestow the profits arising by the labour of the prisoners set on work for their relief, provided that no parish be rated above sixpence by the week towards the premises: And whereas the provision of the said recited statute is very fit to be executed with respect to such prisoners therein described, as shall be confined in the gaols, with an extension thereof to all other prisoners inclined to take the benefit thereof, and also an increase of the sum limited by the said act for defraying the expence of executing the same: Justices by this act, may execute the recited provision in favour of all prisoners willing to work; and for that purpose are hereby authorized, at a general or quarter-sessions of the peace for the said county, or at any adjournment thereof, to direct the payment of such sums of money out of the county rate for the said county, as they shall, from time to time, think fit, to be expended in executing the provision of the said last-mentioned act, according to the extension thereof hereby made.

Profits applied.

All prisoners, if willing, may have work.

31 *G.* 3. *c.* 46. Food and raiment for those who cannot work.

And whereas, by an act of 14 *Eliz.* *c.* 5, as also by the above-mentioned act of 32 *G.* 2, some provision is made for the relief of prisoners; but, notwithstanding the humane purposes thereof, the health of prisoners is frequently so affected, by want of necessary food, as to render them incapable of labour when released, justices in session may order assistance out of the county rates to prisoners who cannot work, or who, being able, cannot procure employment sufficient to sustain themselves by their industry, or who may not be otherwise provided for by virtue of any law or statute, or of any custom, or order, such food and raiment as the said justices shall, from time to time, think necessary for the support of health, and such money shall accordingly be applied, in conformity to the directions to be given by the said justices.

* This exception, it were to be wished, might be done away, where the prison will admit of a more effectual separation.

Visitors

Viſitors ſhall report any extraordinary diligence or merit in enders to the great ſeſſions, &c. to be holden for the county which ſuch offender was convicted, in order that ſuch juſes may, if they think proper, recommend ſuch offender to royal mercy; and if his Majeſty ſhall thereupon be graciouſly pleaſed to ſhorten the duration of ſuch offenders confinement, ſuch offender ſhall, together with neceſſary cloathe, receive ſuch ſum of money for his or her immediate ſubſiſtence, as the ſaid viſiting juſtices ſhall think proper, ſo as ch ſum ſhall not exceed twenty ſhillings, nor be leſs than five illings, in caſe ſuch offender ſhall have been confined for the ace of one year, and ſo in proportion for any ſhorter term of nfinement; and ſuch ſums of money, as alſo the expence of ch cloathing, ſhall be paid out of the county rate. 31 G. 3. c. 46. Diligence and merit rewarded.

The juſtices in ſeſſion may ſettle a table of fees for gaolers, c. and are hereby authorized and impowered, from time to me, to alter, vary, or totally diſallow of all or any ſuch charges and fees, and to order a copy of the table of fees ſo regulated to be hung up in the court of aſſize and quarter-ſeſſions r the county, riding, or diviſion, and another copy thereof be tranſmitted to the ſaid gaoler or keeper, who ſhall cauſe he ſame to be hung up in ſome conſpicuous place within the aols or penitentiary houſes; and all orders and directions conained in the ſaid laſt-mentioned act, reſpecting the tables of es and rates to be taken by gaolers or keepers of priſons, ſhall e conformed to, as if the ſame were herein particularly enacted and repeated; and, by way of recompence for any diminution of emolument in the office of gaoler, or keeper of the aid gaols or penitentiary houſes, by means of any ſuch regulation of fees, or by the diſallowing any ſuch charges on the ounty rate, or any part thereof, as well as for and in lieu of ll or any part of the profits and emoluments that have uſually riſen from the office of gaoler or keeper, the ſaid juſtices ſo aſſembled as aforeſaid, are hereby further authorized and impowered to grant ſuch ſalaries and allowances to the ſaid gaoler or keeper, and to his aſſiſtants, as to the ſaid juſtices ſhall appear reaſonable and ſatisfactory, and from time to time to alter and vary the ſame, as they ſhall think fit; and may grant ſalaries where emoluments are diminiſhed; and order and direct the ſaid ſalaries and allowances to be paid out of the county rate, by the treaſurer of the county, upon an order ſigned by the chairman, ſpecifying the ſalary and allowance ſo directed to be paid: No regulation of fees affecting the ſheriff ſhall take place, unleſs ſuch ſheriff ſhall, by writing under his hand, conſent thereto: Juſtices may ſtipulate with gaolers for payment of ſalaries, which are not to be given to perſons incapable of executing the office. Fees for gaoler regulated. Salaries inſtead of emoluments.

All fines, forfeitures, and penalties, inflicted by this act, or which ſhall be inflicted by virtue of any rule or order to be made in purſuance thereof, the levying and recovering of which are not particularly herein directed, ſhall be levied by Fines and penalties, how levied.

31 G. 31 c. 46. diſtreſs and ſale of the offender's goods and chattels, by warrant under the hands and ſeals of two juſtices of the peace, who are hereby authorized to hear and examine witneſſes on oath or affirmation, and determine the ſame; and all ſuch reſpective fines, forfeitures, and penalties, by this act impoſed and inflicted, or authorized to be impoſed and inflicted, the application whereof is not herein-before particularly directed, ſhall be paid, from time to time, to the treaſurer of the county, for the time being, and ſhall be applied and diſpoſed of for the purpoſes of this act, and the overplus, after deducting the penalty, and the expences of the diſtreſs and ſale, ſhall be rendered to the owner: Offenders may be committed to priſon for want of diſtreſs, for any term, not exceeding three calendar months, nor leſs than one calendar month.

All and every the juſtice or juſtices of the peace, before whom any perſon or perſons ſhall be convicted of any offence againſt this act, ſhall and may cauſe the conviction to be drawn up in the following, or any other form of words, to the ſame effect, viz.

Form of conviction.

BE it remembered, That on in the year of our Lord one thouſand ſeven hundred *A. B.* is convicted before me, *C. D.* one of his Majeſty's juſtices of the peace for the county of [*Specifying the offence, and the time and place when and where the ſame was committed, as the caſe ſhall be.*] Given under my hand and ſeal, the day and year firſt above-mentioned.

Power of appeal within four months.

Perſons aggrieved, may appeal to the general or quarter-ſeſſions, &c. within four calendar months after the cauſe of ſuch complaint ſhall have ariſen; the appellant firſt giving, or cauſing to be given, ſeven clear days notice at leaſt, in writing, of his or her intention to bring ſuch appeal, to the juſtice or juſtices before whom the conviction ſhall have been had, and to the clerk of the peace for the county, &c. in which ſuch offence ſhall be tried, and within two days after ſuch notice ſhall enter into recognizance before ſome juſtice of the peace for the

On entering into recognizance.

ſaid county, with two ſufficient ſureties, conditioned to try ſuch appeal, and abide the order of, and to pay ſuch coſts as ſhall be awarded by, the juſtices at ſuch quarter-ſeſſion; and the juſtices at ſuch ſeſſion, upon due proof of ſuch notice being given as aforeſaid, and of the entering into ſuch recognizance, ſhall hear and finally determine the cauſes and matters of ſuch appeal in a ſummary way, and award ſuch coſts to the parties appealing, or appealed againſt, as they the ſaid juſtices ſhall think

Deciſion final.

proper; and the determination of ſuch quarter-ſeſſion ſhall be final, binding, and concluſive, to all intents and purpoſes.

No order made touching or concerning any of the matters in this act contained, nor any proceedings to be had touching

Not quaſhed for want of form.

the conviction or convictions of any offender or offenders againſt it, ſhall be quaſhed for want of form, or be removed by any

ny writ or proceſs into any of his Majeſty's courts of record t Weſtminſter; and where any diſtreſs ſhall be made, the diſreſs itſelf ſhall not be deemed to be unlawful, on account of ny defect or want of form in the ſummons, conviction, &c. r on account of any irregularity which ſhall be afterwards done y the party or parties diſtraining; but the perſon aggrieved y ſuch irregularity ſhall and may recover full ſatisfaction for he ſpecial damage (if any) in an action upon the caſe; unleſs ender of ſufficient amends hath been made, by or on behalf of he party diſtraining, before ſuch action brought. or removed into another court.

If any ſuit or action ſhall be proſecuted againſt any perſon or erſons, for any thing done in purſuance of this act, ſuch perſon or perſons may plead the general iſſue, and give this act or he ſpecial matter in evidence at any trial to be had thereupon, and that the ſame was done by authority of this act; and f a verdict ſhall paſs for the defendant or defendants, or the laintiff or plaintiffs ſhall become nonſuit, or diſcontinue his, er, or their action or actions after iſſue joined; or if, upon emurrer, or otherwiſe, judgment ſhall be given againſt the laintiff or plaintiffs, the defendant or defendants ſhall recover reble coſts; and though a verdict ſhall be given for any plainiff, in any ſuch action or ſuit as aforeſaid, ſuch plaintiff ſhall ot have coſts againſt the defendant, unleſs the judge, before hom the trial ſhall be, ſhall certify his approbation of the acion, and of the verdict obtained thereupon. General iſſue.

All actions ſhall be commenced within ſix calendar months fter the fact committed. Limitation of actions.

Gauger. See Exciſe.

Gin. See Exciſe.

Glaſs.

FOR the eſtabliſhing a corporation for carrying on a glaſs manufactory, for the caſting of large plate-glaſs (which t hath continuance for twenty-one years) many of the penalties and forfeitures are recoverable before one juſtice of the lace where ſuch manufacture ſhall be carried on; which, not eing general, it is thought ſufficient in this place to refer hoſe whom it may concern to the act itſelf. 13 *G.* 3. *c.* 38. Penalties, how recoverable.

25 G. 3. c. 556 Glove licence.

FROM and after the first day of August 1785, all perso uttering or vending in Great-Britain any gloves or mi tens, shall annually take out a licence for that purpose, fo which there shall be charged a stamp duty of 1s.

Id.

For every pair of gloves or mittens, sold by retail,

For above 4d. and to 10d.	-	1d.
10d. to 1s. 4d.	-	2d.
1s. 4d. and more	-	3d.

Id. Under whose management.

All the said duties shall be under the management of th commissioners of stamps, who, or the major part of them, a to provide and use such stamps to denote the said duties, a shall be requisite in that behalf.

Id. Penalty.

No person whatsoever, required by this act to be licenced shall sell any gloves or mittens without a licence, in Great-Bri tain, upon pain of forfeiting, for every offence, the sum of 20 to be recovered and applied as herein-after is directed.

Id. By whom licence granted.

Any two or more of his Majesty's commissioners of stamps shall grant licences to such persons who shall apply for th same, to sell gloves or mittens, within Great-Britain, for th space of one year; such licence to be renewed annually, te days at least before the expiration of that year for which he o she shall be so licensed.

Id. Inscription on shop, &c.

Every person vending gloves or mittens by retail, shall cau the words, *dealer in gloves*, to be painted or written in lar and legible characters, in some visible place in the front of his their house, shop, or warehouse, on penalty of 5l. for ever pair sold without such inscription.

Id. Words affixed by unlicensed dealers.

If any person or persons shall cause the words *dealer in glove* to be affixed or put on the front of his, her, or their house shop, or warehouse, without being licensed as aforesaid, be she, or they so offending shall, for every offence, forfeit th sum of 40l.

Id. Who deemed retailers.

All persons who shall sell any less quantity than twelv dozen pair of gloves or mittens at one time, to any one perso shall be deemed retailers of gloves.

Id. Stamped ticket.

Every pair of gloves or mittens sold by any retail-dealer shall have affixed upon the inside of the right hand glove o each pair, a stamped ticket, in such manner and form as th commissioners of his Majesty's stamp duties shall, from time t time, direct.

Id. Penalty for omitting it.

If any retail dealer shall sell, or expose to sale, or if any per son or persons shall purchase, or receive in exchange for an other article, any gloves or mittens, subject to the stamp duti hereby imposed, unless the stamp ticket hereby directed to b affixed to the same shall be affixed, or that shall have an ticket affixed thereto marked or stamped with a stamp or mar of less denomination or value than by this act is directed to b affixed; every such person and persons so offending shall forfei and pay, for every such pair of gloves or mittens, so sold, o exposed

posed to ſale, or ſo bought or received in exchange, the ſum 20l.; and if the party ſo offending ſhall be a retail dealer, enſed purſuant to this act, the ſaid commiſſioners of ſtamps all and may, if they ſhall ſo think fit, after conviction of the fender, refuſe to grant to ſuch offender any licence in fu-re.

Nothing in this act contained ſhall extend to any perſon li- enſed in purſuance of this act, who ſhall ſell to any retailer of loves or mittens ſo licenſed, any gloves or mittens, although he ſtamp ticket hereby directed to be affixed to the ſame, ſhall ot be affixed. 25 G. 3. c. 55. If ſold to retailers.

If any perſon or perſons ſhall, with intent to defraud his Majeſty of the duties hereby impoſed, take off any mark or amp, or ſhall, with the like intent, affix or paſte on in any glove r mitten, any ticket, the ſame having been once made uſe of r the purpoſe aforeſaid, and ſhall knowingly ſell, or expoſe ſale, any pair of gloves or mittens with ſuch ticket ſo frau-ulently cut off, or removed, all and every perſon and perſons offending, ſhall forfeit the ſum of 20l. *Id.* Stamp taken off. Penalty.

If any perſon ſhall ſell or buy any ſuch ticket, in order to e again made uſe of, every ſuch perſon ſo offending ſhall, for very ſuch offence, forfeit the ſum of 20l. *Id.* Stamp again made uſe.

Either buyer or ſeller informing againſt the other, ſhall be ndemnified from the penalties by him or her incurred. Informer indemnified.

Glovers, in their bills, may make a ſeparate charge for the amps. Stamps may be charged.

If any perſon or perſons ſhall counterfeit any ſtamp or mark, irected to be uſed by this act, with an intent to defraud his Majeſty, his heirs or ſucceſſors, of any of the ſaid duties; every erſon ſo offending, and being thereof convicted, ſhall be dged a felon, and ſhall ſuffer death as in caſes of felony, ithout benefit of clergy. *Id.* Stamp counterfeited, felony.

All powers and proviſions, preſcribed by any former act, re- ting to the ſtamp duties, ſhall be of full force and effect with elation to the rates and duties hereby impoſed. *Id.*

All pecuniary penalties hereby impoſed, ſhall be divided, f ſued for within the ſpace of ſix calendar months) one moiety his Majeſty, and the other moiety thereof, with full coſts of it, to the informer. *Id.* Penalties, how applied.

But, in default of ſuch proſecution within the time afore- id, the whole thereof ſhall belong to his Majeſty, and ſhall e recoverable in any of his Majeſty's courts at Weſtminſter, c. by action of debt, bill, plaint, or information. *Id.* Limited time.

Any juſtice of the peace reſiding near the place where the ffence ſhall be committed, may hear and determine any of- nce againſt this act, which ſubjects the offender to any pecu- iary penalty, and may ſummon the party accuſed, and alſo he witneſſes on either ſide, and examine into the matter of act; and, upon due proof made thereof, either by confeſſion, r by the oath of one or more credible witneſs or witneſſes, may 25 G. 3. c. 55. One juſtice may determine.

may give judgment, and iſſue out his warrant under his hand and ſeal, for the levying any pecuniary penalty or forfeiture ſo adjudged on the goods of the offender; and cauſe ſale to be made thereof, in caſe they ſhall not be redeemed within ſix days, rendering to the party the overplus, if any; and, in default of diſtreſs, may commit ſuch offender to priſon, there to remain for the ſpace of three months, unleſs ſuch pecuniary penalty ſhall be ſooner paid and ſatisfied: Any perſon or perſons aggrieved by the judgment of any ſuch juſtice, upon giving ſecurity to the amount of the value of ſuch penalty and forfeiture, together with ſuch coſts as ſhall be awarded, in caſe ſuch judgment ſhall be affirmed, may appeal to the juſtices of the peace at the next general quarter-ſeſſions; and in caſe the judgment of ſuch juſtice ſhall be affirmed, it ſhall be lawful for ſuch juſtices to award the perſon or perſons to pay ſuch coſts, occaſioned by ſuch appeal, as to them ſhall ſeem meet.

Power of appeal.

25 G. 3. c. 55. If any perſon or perſons ſhall be ſummoned as a witneſs or witneſſes to give evidence before ſuch juſtice or juſtices of the peace, touching any of the matters relative to this act, and ſhall neglect or refuſe to appear, without a reaſonable excuſe, ſuch perſon ſhall forfeit, for every ſuch offence, the ſum of 40s. to be levied and paid in ſuch manner, and by ſuch means, as herein before directed, as to other penalties.

Witneſs not appearing, puniſhable.

Id. The juſtice, where he ſhall ſee cauſe, may mitigate and leſſen ſuch penalties as he ſhall think fit, ſo as ſuch mitigation do not reduce the penalties to leſs than one moiety of the penalties incurred, over and above all coſts and charges; and no ſuch conviction ſhall be removed by certiorari, into any court whatſoever.

Mitigation of penalty.

Id. The ſeveral duties ſhall be paid into the receipt of the exchequer, at ſuch time and in ſuch manner as the duties now charged on ſtamped vellum, parchment, and paper, are directed to be paid.

Duties, where paid.

Good Behaviour. See Surety.

Grand Larceny. See Larceny.

Greyhound. See Game.

Gunpowder.

12 G. 3. c. 61. EVERY perſon and perſons, uſing any mill or other engine for making of gunpowder, ſhall, beſides the magazines and ſtorehouſes near their mills, have a good and ſufficient magazine remote from their reſpective mills, in ſome convenient place to be licenſed by the juſtices, on pain that every

Licenſed magazine.

ery perſon making gunpowder, without having ſuch maga-
e remote from the mill, ſhall forfeit 25l. for every month,
ring which he ſhall make gunpowder, without having ſuch
agazine, and 5l. for every day during which he (not being
ndered by ſtreſs of weather, or other juſt impediment) ſhall
lfully neglect or delay removing the gunpowder made at
h mill. It ſhall be lawful for the juſtices in ſeſſions, from
me to time, to licenſe the erecting or having ſuch mills and
ices, or ſuch magazines for keeping unlimited quantities of
npowder in places, not being within London or Weſtmin-
r, or any other limits particularly deſcribed, the perſon hav-
g firſt given fourteen days notice in writing of the intention
make ſuch application, to an overſeer of the poor or church-
rden of the pariſh or place wherein it is propoſed to erect
h new mill and offices or magazine, or of an adjoining pa-
h, if the place be extra-parochial; which overſeer or church-
rden ſhall cauſe ſuch notice to be publicly read on the Sun-
y next enſuing, in the pariſh church after divine ſervice.—
nd, if the juſtices in the ſaid ſeſſions ſhall refuſe to grant ſuch
cence, the party aggrieved may apply to the ſaid juſtices then
reſent, for a ſpecial ſtate of the caſe, in order that the ſaid
ſe and proceedings may be removed by certiorari into the
urt of king's-bench. And if the court of king's-bench ſhall
e of opinion, that the juſtices ought not to have refuſed ſuch
cence, they ſhall order the juſtices to grant ſuch licence at
eir next ſeſſions, and ſhall award coſts on the writ of certi-
rari, as they ſhall think fit.

Licenced mills.

Party refuſed may apply to king's bench.

No perſon ſhall be liable to any penalty or proſecution un-
er this act, for keeping unlimited quantities of gunpowder
ithout ſuch licence of the juſtices, in any magazine remote
om any gunpowder-mill, and already built and uſed for that
urpoſe, in any place not being within London or Weſtmin-
er, or the other limits before deſcribed, until the expiration
f ſix calendar months, after an adjudication by the juſtices
hat the ſame is dangerous: And they ſhall not have power to
ake ſuch adjudication, except on complaint to them by ſome
ouſholder of the pariſh or place in which the magazine ſhall
e, and after ſummons of the owner and examination of wit-
eſſes. The juſtices in ſeſſions, on application by makers of
unpowder, may appoint proper and convenient pieces of
round, not being in London or Weſtminſter, or other the li-
mits aforeſaid, and not exceeding one acre in any one place,
with the uſe of convenient roads thereto, on which they may
erect magazines, after having agreed with the owner for the
purchaſe of the ſame: And if ſuch owner ſhall not agree, or by
reaſon of any impediment, cannot agree, the juſtices ſhall iſ-
ſue a warrant to the ſheriff, to ſummon a jury to appear before
them at a time and place appointed, who ſhall, upon their
oaths, enquire into the true value of the ſaid pieces of ground,
with the uſe of ſuch convenient roads thereto. And the juſ-

12 *G.* 3. *c.* 61.

Makers, when liable to penalty.

Places appointed by ſeſſions.

Jury to value ground.

tices may ſend for any perſons intereſted, and examine an parties or witneſſes upon oath. And the verdict of the ju

Verdict recorded.

ſhall be kept amongſt the records of the ſeſſions. And th judgment of the ſaid juſtices thereon ſhall be final. And th

Owner, how paid.

ſum of money ſo to be adjudged, not exceeding thirty year purchaſe, ſhall be paid to the owner of the ground; and, upo ſuch payment, or in caſe of refuſal to accept the money, the upon leaving the ſame with the juſtices for the benefit of th owner, the inheritance of the ground, and the uſe of the ſai roads thereto, ſhall be veſted in the purchaſer, his heirs an aſſigns, for the purpoſe aforeſaid, and not otherwiſe.

12 G. 3. c. 61.

For the more eaſy diſcovery of offenders againſt this act, an juſtice, on demand made, and reaſonable cauſe aſſigned upo oath, may iſſue his warrant for ſearching, in the day-time

Mill, &c. may be ſearched.

any houſe, mill, magazine, &c. in which ſuch gunpowder i ſuſpected to be made, kept, or carried, contrary to this act And all gunpowder found on ſuch ſearch, and alſo the barrel ſhall be immediately ſeized by the ſearcher, till it ſhall be ad judged, on a hearing before two juſtices, whether the ſam

Two juſtices to levy the penalty.

ſhall be forfeited. All penalties on this act ſhall be recovere before two juſtices, on conviction of the offender by confeſſion or oath of one witneſs, and be diſtributed, half to the king, an half to the informer: And where the penalty is pecuniary, it ſhall be levied by diſtreſs; and for want of ſufficient diſtreſs, the offender ſhall be committed to the houſe of correction, to be kept to hard labour, not exceeding ſix months, nor leſs than three. Proſecution to be commenced within fourteen days af-

Limitation of time.

ter ſeizure of the gunpowder, or commiſſion of the offence where there ſhall not be any ſeizure. This act ſhall not extend to any mills or other buildings erected for making gun-

What mills, &c. exempted.

powder in any lands belonging to his majeſty; or to the keeping of gunpowder at any of his majeſty's ſtore-houſes or magazines; or to hinder the trial of gunpowder by his majeſty's officers; or to the keeping of gunpowder at the magazines now erected at Barking Creekſmouth, in the county of Eſſex, Eryth Level, in the county of Kent, or the magazines near Liverpool, or the city of Briſtol; or to the carriage of gunpowder to or from the king's magazines, under a ſpecial order from the board of ordnance; or to the carriage of gunpowder with forces on their march, or with the militia during their annual exerciſe, or which ſhall be ſent for the uſe of ſuch forces or militia. Alſo, this act ſhall not extend to hinder any perſon from carrying an unlimited quantity of gunpowder, in cloſe

What veſſels may carry gunpowder.

decked veſſels, &c. &c. from any veſſels lying below Blackwall, or from ſuch magazines lying below Blackwall, and going to any place beyond ſea, or coaſtwiſe.

Habeas Corpus. See Bail.

Hackney Coaches and Chairs.

For the Duty on Coaches, see p. 45.

IF any perſon ſhall refuſe to pay, or ſhall deface any coach or chair, any juſtice may grant his warrant to bring him before him; and, on proof upon oath, may award ſatisfaction to the party, and, on refuſal to pay, may bind him over to the next ſeſſions, who may determine the ſame. 9 *An. c.* 23. Juſtice's authority.

And if any hackney coachman or chairman ſhall refuſe to go at, or ſhall exact more for his hire, than the ſeveral rates limited by this act, he ſhall, for every ſuch offence, forfeit the ſum of 40s. to be levied, if not paid, by diſtreſs.

If any hackney coachman ſhall refuſe to go at, or ſhall exact more for his hire than is according to law, he ſhall forfeit a ſum not exceeding 5l. nor leſs than 10s. to be recovered as above. 1 *G. ſt.* 2. *c.* 57.

The breach of the bye-laws, and of theſe rules and orders, may be puniſhed by any juſtice of the peace, mayor, bailiff, or other magiſtrate, where the offence ſhall be committed, in like manner as by the commiſſioners. And all penalties levied by any juſtice, mayor, bailiff, or other magiſtrate, ſhall by them be tranſmitted to the receiver-general of the duties on hackney coaches and chairs; and they ſhall alſo tranſmit a certificate thereof to the commiſſioners, within ten days after levying ſuch penalty, on pain of 10l. half to the king, and half to him that ſhall ſue. 10 G. 3. *c.* 44. May act as commiſſioners. What to do with the penalties.

Hackney Coaches.

BY this act, from Sept. 4, 1784, an additional duty of 5s. is to be paid for all licences to keep or drive any hackney coach within the cities of London and Weſtminſter, or the ſuburbs, or weekly bills of mortality. The duty to be paid monthly, and all the directions, proviſoes, &c. of former acts to be obſerved. 24 *G.* 3. *ſeſſ.* 2. *c.* 27. Farther duty on licences.

All licences, in future, to be granted under payment of 10s. weekly rent. 24 *G.* 3. *ſeſſ.* 2. *c.* 24.

By 26 *G.* 3. *c.* 72, the former rates ceaſe, and the following, from and after the 1ſt of Auguſt, 1786, take place:

	s.	*d.*
For—not exceeding one mile and a quarter, -	1	0
For—not exceeding two miles, - -	1	6

For—not exceeding two miles and a half, - 1 6
For every half mile, an additional - - 0 6
For—not exceeding three quarters of an hour of time, 1 0
From three quarters to an hour, - - 1 6
From one hour to not exceeding one hour and twenty minutes, - - - - 2 0
For every period of twenty minutes from the first hour and twenty minutes, - - - 0 6
For a day of twelve hours, - - - 14 0
After twelve hours, to be paid for by the aforesaid rules.

24 *G.* 3. *sess.* 2. *c.* 27. Hackney coachmen, by this act, are punishable by summons either before commissioners or magistrates.

Id. Mourning coaches. Persons driving a mourning coach or hearse without a number, within five miles of Temple-bar, may be summoned before the commissioners, and fined 5*l.*

Id. Carts or drays. Every cart or dray, &c. within five miles of Temple-bar, or in the bills of mortality, shall have the owner's name and place of abode entered at the hackney coach office, and affixed, together with the number of the carriage, on some conspicuous part thereof.

Id. Penalties, how recovered. The penalties and forfeitures are recoverable as by former laws, and the additional duty to be paid into his majesty's exchequer, and kept distinct from all other branches of the public revenues.

32 *G.* 3. *c.* 47. Hackney coachmen compellable within the cases herein specified; From and after July 5, 1792, every hackney coachman, licensed by the commissioners for regulating and licensing hackney coaches, and his, her, or their renter or driver, plying for hire within the cities of London or Westminster, or the suburbs thereof, shall be obliged and compellable, on every day of the week (unless he or they shall have been out twelve hours, or shall have any other reasonable excuse to be allowed of by the said commissioners, or the justice before whom any such matter shall be brought in question), to go to any place within the distance of ten miles, in case such coach-man shall have time to return to the said cities by or before sun-set, or the fare shall undertake to return in such hackney coach.

how far compellable at any hour of the night. Every hackney coach-man plying as aforesaid, shall be obliged and compellable, on every day of the week, and at any hour of the night (unless he or they shall have been out twelve hours, or have such other reasonable excuse to be allowed of as aforesaid), to go upon all public high roads, being turnpike roads, or that now are or hereafter shall be lighted up, any where within the distance of two miles and an half from the ends or extreme parts of the several and respective carriage-way pavements of the cities of London and Westminster, or the suburbs thereof, where a regular continuation of carriage-way pavement doth extend.

Persons hiring coaches after sun-set, when to pay an additional fare. Every person hiring a hackney coach to go any further distance than the regular continuation of the carriage-way pavement doth extend, after sun-set, shall be liable to pay the coach-

man,

an, not only the fare he is by law entitled to, but alſo ſix- 32 *G.* 3. *c.* 47.
ence for every diſtance not exceeding half a mile, that ſuch
oach-man ſhall have to return to the extreme end of the car-
age-way pavement, after ſetting down his fare, unleſs the
re ſhall return in ſuch hackney coach; which additional fare
all and may be recovered by the ſame ways and means as any
her fare due to ſuch coach-man is now by law recoverable;
nd in caſe of ſuch hackney coach-man's refuſal to go, or ex-
ting any more for his hire than as aforeſaid, he or they ſhall
ſubject and liable to the like penalty and puniſhment as
ay, by any of the laws now in force, be inflicted in caſes of
fuſal to carry for hire, or demanding, receiving, or taking
r hire any greater ſum than ſuch hackney coach-man is in-
itled to.

No proceeding to be had touching the conviction of any of- Proceedings not to be quaſhed for want of form, or removeable by *Certiorari*,
ender or offenders againſt this act, or any order made, ſhall be
acated or quaſhed for want of form, or be removed by cer-
iorari. If any perſon or perſons ſhall at any time be ſued or
roſecuted for any thing by him or them done or executed in
urſuance of this act, he or they may plead the general iſſue, General iſſue.
nd give this act in evidence; and if the plaintiff be nonſuit- Treble coſts.
d, diſcontinue, or forbear proſecuting, ſuch defendant or de-
endants ſhall have treble coſts.

Nothing herein contained ſhall be conſtrued to extend to, or Bye-laws relative to hackney coach owners not hereby abridged.
o leſſen or abridge any of the bye-laws now in being relative
o ſuch hackney coach-owners, their renters, or drivers.

This act ſhall be deemed and taken to be a public act; and Public act.
ll judges, juſtices, and other perſons, ſhall take notice there-
f as ſuch, without ſpecially pleading the ſame.

Harbour filling up. See Rivers and Navigation.

Hares. See Game.

Hats.

BY this act, for granting duties on licences for vending 24 *G.* 3. *ſeſſ.* 2. *c.* 51.
hats by retail, from Oct. 1. 1784, all retailers of hats are
o take out a licence annually, and the duties of 3d. 6d. or 1s. Annual licence.
nd 2s. according to the price of the hat, ſhall be under the
anagement of the commiſſioners of ſtamps.

The penalty for ſelling hats without a licence is 50l. 24 *G.* 3. *ſeſſ.* 2. *c.* 51.

Every retailer of hats ſhall have the words, *Dealer in hats by retail*, over the door of his houſe, on pain of 40s. for each hat ſold. Penalty for neglect.

Any unlicenſed perſon putting up thoſe words, ſhall for- Inſcription over door.
feit 50l.

Stamped

24 G. 3. c. 5.
Ticket in the hat.
No ſtamp, penalty.
Id.
Stamp torn off, penalty.
Id.
Counterfeited, felony.
Id.
Suit in ſix months.
Id.
One juſtice.
Id.
Power of appeal.
Id.
Witneſſes refuſing.
Id.
Penalties mitigated.

Stamped paper tickets are to be affixed to the lining of t crown of the hats.

Any perſon ſelling a hat, liable to the duties, without a pr per ſtamp, ſhall forfeit 10l.

Any perſon fraudulently tearing off, or affixing a ſtamp a ready uſed, ſhall forfeit 20l.

Any perſon counterfeiting the ſtamp, to defraud his m jeſty, ſhall ſuffer death as a felon.

Penalties, ſued for in ſix months, ſhall be divided, half the king, and half, with full coſts of ſuit, to thoſe who ſh inform and ſue for the ſame.

Any neighbouring juſtice may determine offences, where t penalties do not exceed 20l.

Perſons aggrieved by ſuch determination, may appeal to t next general quarter-ſeſſions.

Perſons ſummoned as witneſſes, but neglecting to appe without a reaſonable excuſe, ſhall forfeit 40s.

The juſtice may mitigate penalties to one moiety, over a above all coſts and charges.

Hawkers and Pedlars.

9 & 10 W. c. 27.
Hawker's duty.

THERE ſhall be paid by every hawker, pedlar, pet chapman, or any other trading perſon, going from tow to town, or to other men's houſes, and travelling either o foot, or with horſe, horſes, or otherwiſe, within the kingdom England (except as herein-after excepted), carrying to ſe or expoſing to ſale, any goods, wares, or merchandizes, a du of 4l. for each year.

3 & 4 An. c. 4.
Penalty for being unlicenſed.

And if any ſuch perſon be found trading as aforeſaid, wit out, or contrary to ſuch licence; or if, on demand made b any juſtice of the peace, mayor, conſtable, or other peace o ficer of any town corporate or borough, where he ſhall ſo trad he ſhall not have his licence ready to be produced; he ſha forfeit 12l. half to the informer, and half to the poor of th pariſh wherein the offender ſhall be diſcovered; and, f non-payment thereof, ſhall ſuffer as a common vagrant, an be committed to the houſe of correction.

9 &. 10 W. c. 27.
Conſtable refuſing aid, to pay 40s.

And if any conſtable or other officer aforeſaid, ſhall refuſe neglect, upon due notice, or on his own view, to be aiding i the execution hereof, being thereunto required, and be there of convicted, on oath of one witneſs, before one juſtice whe the offence ſhall be committed, he ſhall forfeit 40s. by diſtre and ſale, by warrant of ſuch juſtice, half to the poor, and ha to the proſecutor. And any perſon may ſeize and detain an ſuch hawker, pedlar, petty chapman, or other trading perſon till he produce his licence, if he have any, or if he be foun trading without a licence, for ſuch reaſonable time as he ma giv

ve notice to the conſtable, churchwarden, overſeer, or ſome
ner pariſh officer, who ſhall carry ſuch perſon, ſo ſeized, be-
re a juſtice; who ſhall, either on confeſſion, or proof by wit-
ſs upon oath, convict the offender, and by his warrant cauſe
e ſum of 12l. to be forthwith levied by diſtreſs and ſale of the
ender's goods, wares, or merchandizes. — Penalty on offenders.

From Aug. 1, 1785, every hawker and pedlar travelling on — 25 *G.* 3. *c.* 78.
ot, or with horſe, horſes, or otherwiſe, in England or Wales, — Additional duty.
the town of Berwick upon Tweed, ſhall pay an additional
ty of 4l. for each year.

Every hawker and pedlar travelling with a horſe, aſs, or — *Id.*
le, or other beaſt bearing or drawing burthen, ſhall pay — Further duty.
further additional ſum of 8l. yearly for each beaſt, over and
ntioned, and all other duties.

Every hawker and pedlar ſelling goods, after June 24, 1786, — *Id.*
any mode of ſale whereby the beſt bidder ſhall be deemed — Selling by auction.
purchaſer, ſhall forfeit 50l. for every offence.

The duties made payable by 9 and 10 *W.* *c.* 27, and all du- — *Id.*
s payable by this act, ſhall be paid on taking out the li- — Duties, to whom payable.
nce, without any diſcount, to the commiſſioners for licen-
g hawkers and pedlars, or ſome perſon or perſons authorized
them, or the major part of them, in writing under their
nds and ſeals.

The licence muſt be ſubſcribed by two ſuch commiſſioners. — Licence, ſubſcribed.

The penalty for travelling without ſuch licence, is 10l. — Penalty on offenders.

Every hawker and pedlar refuſing to produce his licence to a — Refuſing to produce li-
tice of peace, or any perſon authorized to demand it by the — cence, &c.
nmiſſioners aforeſaid, forfeits 10l. Travelling with a for- — Forged licence.
d licence, ſubjects the offender to a penalty of 10l. And — Letting or lending it.
ding, or letting a licence to hire, to 10l. and the forfeiture
the licence.

Any perſon whatever may detain any hawker, &c. trading — *Id.*
hout licence, or refuſing to produce it in a reaſonable time, — Any one may detain.
rder to give notice to a peace officer to carry ſuch perſon,
detained, before ſome of his majeſty's juſtices of the peace,
ich ſaid juſtice is hereby authorized and ſtrictly required,
confeſſion, or due proof by witneſs upon oath (which he is
reby empowered to adminiſter), to cauſe the ſum of 10l. to
forthwith levied by diſtreſs, or ſale of the goods, wares, or — One juſtice.
rchandize of the offender, rendering the overplus, if
be.

Every conſtable refuſing to aſſiſt in the execution of this act, — 25 *G.* 3. *c.* 9.
forfeits 10l. for every offence. — Conſtable refuſing.

Every hawker opening a room or ſhop, or expoſing to ſale — Not in or near a town.
goods, &c. by retail, within two miles of a market town,
he meaſured to the middle of the moſt central market place,
not being a houſholder there, forfeits 10l. except it be on a
rket or fair day.

If any hawker, &c. ſhall vend his goods in any county, city, — *Id.*
own, by virtue of his licence, after the juſtices, at the ge- — Not after juſtice's order.
neral

neral quarter-ſeſſions, have made an order to the contrary, h ſhall forfeit 10l.; ſuch order to be made at the ſeſſions next a ter Michaelmas, and not to be in force till nine months aft notice given in the news-papers.

25 *G.* 3. *c.* 78. Hawker's privilege.

Hawkers, &c. who were licenſed on June 23, 1785, may up any buſineſs in the place where they are reſident inhab tants, though they ſhall not have been brought up to ſuch bu ſineſs as apprentices for ſeven years; and they may emplo perſons who have not been apprentices, notwithſtanding t act 5 Eliz.; nor ſhall they be removable to their laſt leg place of ſettlement, till they are actually chargeable.

Wholeſale trader not hawker.

No wholeſale trader in Britiſh goods ſhall be deemed hawker.

Perſons not included.

Perſons not included in this act are, ſellers of printed paper licenſed by authority; of fiſh, fruit, and victuals; makers any Britiſh goods, their children, agents, apprentices, or ſe vants, ſelling their own manufactures in any market, fair, cit or town; tinkers, coopers, glaziers, plumbers, and harne makers.

Id. Penalties, how recovered and applied.

Penalties above 20l. to be recovered, with coſts of ſuit, Weſtminſter; half to the king, and half to the informer. A under 20l. before one juſtice, by the oath of one or more cr dible witneſs or witneſſes; half to the king, and half to t informer: And, in caſe of non-payment, to be levied by di treſs and ſale; and, for want of diſtreſs, the offender ſhall b ſent to the county priſon for not more than ſix months, nor le than one month, as the juſtice ſhall think fit.

Witneſs not appearing. *Id.*

Any witneſs neglecting to appear, without reaſonable e cuſe, or refuſing, on appearance, to be examined, forfeits 1

Perſons aggrieved may, on giving proper ſecurity, appeal the next general quarter-ſeſſions; the coſts to be paid by th appellant, if the judgment of the juſtice is affirmed.

29 *G.* 3. *c.* 26. Partial repeal of former acts. Repealed in part, by 29 *G.* 3. *c.* 26.

The 25 *G.* 3. *c* 78, from Aug. 1, 1789, is repealed, ſo f as relates to the duties, and ſo far as is not re-enacted by th act.

The act of 9 & 10 *W.* 3. *c.* 27. ſhall be revived from t ſaid day; ſo far as the ſame is not hereby altered or ex plained.

From Aug. 1, 1789, the following yearly duties are to b paid, viz.

Duties by this act.

Every hawker, pedlar, petty chapman, and every other tra ing perſon and perſons, going from town to town, or to oth men's houſes, and travelling either on foot, or with hors horſes, or otherwiſe, in England, Wales, or the town of Ber wick upon Tweed, carrying to ſell, or expoſing to ſale, an goods, wares, or merchandizes, ſhall pay a duty of 4l. for ea year.

Additional duty.

Every perſon ſo travelling with a horſe, aſs, or mule, other beaſt bearing or drawing burthen, ſhall pay the ſum 4l. yearly, for each beaſt he or ſhe ſhall ſo travel with, over an above the ſaid firſt-mentioned duty of 4l.

It ſhall not be lawful for any hawker, pedlar, or other trading perſon, going from town to town, or to other men's houſes, and travelling either on foot or with horſe or horſes, either by opening a room or ſhop, and expoſing to ſale any goods by retail, in any town, pariſh, or place (ſuch perſon not being a houſholder there, or the ſame not being the uſual place of his or her abode, or of his or her carrying on buſineſs), to ſell by himſelf or herſelf, or by any auctioneer (whether licenſed or not), broker, appraiſer, or other perſon, on his or her behalf, any goods or wares, by knocking down of hammer, or any other mode of ſale at auction, or whereby the higheſt bidder ſhall be deemed the purchaſer; and every perſon and perſons ſo ſelling, contrary to ſuch prohibition, ſhall forfeit and pay, for every offence, the ſum of 5ol. 29 *G.* 3. *c* 26. Not to ſell by auction.

Every hawker, pedlar, &c. ſhall, at the time of receiving his or her licence, without any diſcount, pay all duties impoſed upon him or her reſpectively, to the commiſſioners for the time being for licenſing hawkers, pedlars, and petty chapmen, or ſome perſon authorized or deputed by them, or the major part of them, in writing under their hands and ſeals; and, upon payment thereof, and not otherwiſe, a licence ſhall be granted to them, ſubſcribed by the ſaid commiſſioners, or any two of them, for him or her to travel and trade, according to the true intent and meaning of this and the act made in the reign of King William the Third, and according to the duties which ſhall then be paid upon receiving ſuch licence. What to be done to obtain licence.

Before any perſon or perſons ſhall be intitled to receive any licence to trade or travel as aforeſaid, every ſuch perſon or perſons ſhall produce to the commiſſioner or commiſſioners, or their deputy or deputies, appointed for licenſing hawkers, pedlars, petty chapmen, and other trading perſons as aforeſaid, a certificate, ſigned by ſome one clergyman officiating within the pariſh, chapelry, or place, wherein ſuch perſon ſo applying for ſuch licence has his uſual reſidence, and alſo by two reputable inhabitants of the ſaid pariſh, chapelry, or place, atteſting that the perſon ſo applying is of good character and reputation, and is a fit perſon to be licenſed to exerciſe the trade of a hawker, pedlar, and petty chapman. Certificate from miniſter, &c.

The certificate ſo to be produced, ſhall be in the form or to the effect following:

We, A. B. the Miniſter, and C. D. and E. F. being two houſholders reſiding at in the pariſh [chapelry, or otherwiſe, as the caſe may be] *of in the county of do hereby certify, that G. H. hath been known to us for the ſpace of years laſt paſt, and during all that time hath uſually reſided in the ſaid pariſh* [chapelry, or otherwiſe, as the caſe may be] *of and is a perſon of good character and reputation, and is a fit perſon* Form of certificate.

ſon to be licenſed to exerciſe the trade of a hawker, pedlar, and petty chapman. Dated the day of

A. B. Miniſter.
C. D. }
E. F. } *Houſholders.*

29 G. 3. c. 26.

Inſcription.

Every perſon who ſhall trade with, or under colour of, ſuch licence, ſhall cauſe to be written, painted, or printed, in large legible Roman capitals, upon the moſt conſpicuous part of every pack, box, bag, trunk, caſe, cart, or waggon, or other vehicle of conveyance, in which he or ſhe ſhall carry his or her goods, wares, and merchandizes, and of every room and ſhop in which he or ſhe ſhall ſo trade, and likewiſe upon every hand-bill or advertiſement, which he or ſhe ſhall give out, diſtribute, or publiſh, the words *Licenſed Hawker*, together with the number, name, or other mark or marks of diſtinction, ſo written or printed upon his or her licence; and every ſuch perſon, in any reſpect, making default therein, ſhall forfeit, for every offence, the ſum of 10l.

Penalty, if unlicenſed.

If any perſon to whom ſuch licence ſhall not have been ſo granted, ſhall write, paint, or print, or cauſe to be written, painted, or printed, upon any pack, cart, waggon, or other vehicle or conveyance, for any goods, or in any room or ſhop in which he or ſhe ſhall ſell any goods, wares, or merchandizes, the words *Licenſed Hawker*, or *Licenſed Pedlar*, or any other word or words to that effect; every perſon ſo offending ſhall forfeit, for each offence, the ſum of 10l.

Smuggled goods.

If any hawker, pedlar, &c. ſhall be convicted of dealing in, or ſelling any kind of ſmuggled, contraband, or prohibited goods, fraudulently or diſhoneſtly procured, either by themſelves, or through the medium of others with their privity and knowledge, every ſuch trading perſon ſhall, from and after ſuch conviction, forfeit his or her licence, and for ever thereafter be incapable of obtaining or holding any new licence; and that, over and above all ſuch forfeitures, to which he or ſhe ſhall be by law liable for ſuch illicit and illegal trafficking and dealing.

Refuſing to produce a licence.

If any ſuch hawker, pedlar, &c. ſhall trade as aforeſaid, without, or contrary to, or otherwiſe than as ſhall be allowed by, ſuch licence, ſuch perſon ſhall, for each and every ſuch offence, forfeit the ſum of 10l.; and if any perſon trading under any licence, upon demand made by any perſon authorized or appointed to demand ſuch licence, by the commiſſioners for licenſing hawkers, pedlars, &c. for the time being, or any two of them, under their hands and ſeals, and, upon producing or ſhewing ſuch authority, or upon demand made by any juſtice of the peace, mayor, conſtable, or other officer of the peace, where he or ſhe ſhall ſo trade, or by any officer of the cuſtoms or exciſe, ſhall refuſe to produce and ſhew his or her licence for ſo trading as aforeſaid, or ſhall not have his or her

her licence for so trading as aforesaid ready to produce unto such person authorized or appointed as last aforesaid, or unto such justice of the peace, &c. the person so refusing, or not having his or her licence ready to produce, shall forfeit 10l.; and, for non-payment thereof, shall suffer as a common vagrant, and be committed to the house of correction.

29 *G.* 3. *c.* 26. Forging a licence.

If any person or persons whatsoever shall forge or counterfeit any licence or licences, by this act directed to be granted, or travel with, or produce any such forged or counterfeit licence, every such person shall, for every such offence, forfeit the sum of 100l.

Lending or hiring out a licence.

In case any person shall let out to hire or lend any licence, or shall trade with, or under colour of, any licence in which his or her own real name shall not be inserted, the person letting out to hire or lending any such licence, and the person so trading with any licence granted to any other person, shall each of them forfeit the sum of 40l.; and, in case any person shall be convicted, or have judgment against him for lending his or her licence to any other person or persons, contrary to this act, such licence shall be from thenceforth forfeited and void, and he or she shall be utterly incapable of having any licence again granted to him or her to trade as aforesaid.

Person offending, how dealt with.

Any person or persons may seize and detain any such hawker, pedlar, &c. who shall be found trading without a licence, and who, being found trading, shall refuse or neglect to produce to such person or persons a licence according to this act, after being required so to do, for a reasonable time, in order to give notice to a constable, or other peace-officer or officers, who are hereby required to carry such persons so seized, unless they shall, in the mean time, produce their respective licences, before some one of his Majesty's justices of the peace of the county or place where such offence shall be committed; which said justice of the peace is hereby authorized and strictly required to examine into the fact; and, upon due proof, either by confession of the party offending, or by the oath of one or more credible witness or witnesses (which the said justice is hereby impowered to administer), that the person so brought before him had so traded as aforesaid, and no such licence being produced by such offender before the said justice, to convict the offender of trading without a licence; and thereupon it shall be lawful for such justice, and he is hereby required, by warrant under his hand and seal, to cause the said sum of 40l. to be forthwith levied by distress and sale of the goods, wares, or merchandizes of such offender or offenders, or of the goods with which such offender or offenders shall be found trading as aforesaid, rendering the overplus, if any be, to the owner or owners thereof, after deduction of the reasonable charges for taking the said distress, and out of the said sale to pay the said respective penalties and forfeitures aforesaid; and, in the mean time, to commit such offender to the common gaol

or houſe of correction of the county, riding, diviſion, city liberty, town, or place, where the ſaid offence ſhall be committed, there to remain until the ſaid penalties and forfeitures and the reaſonable charges of taking the ſaid diſtreſs, ſhall be levied by ſuch diſtreſs and ſale as aforeſaid, or until the ſame ſhall be otherwiſe paid or ſatisfied by ſuch offender.

29 *G.* 3. *c.* 26. Conſtable to aid and aſſiſt.

If any conſtable, or other officer of the peace, ſhall refuſe or neglect, upon due notice, or on his or their own view, to be aiding and aſſiſting in the execution of this or the former act of 9 & 10 *W.* 3. being thereunto required, every ſuch officer, being thereof convicted, upon his confeſſion, or by the oath of one or more credible witneſs or witneſſes, before any juſtice of the peace where the offence ſhall be committed, ſhall forfeit, for every offence, the ſum of 10l.

Penalty on refuſing.

No hawker, pedlar, petty chapman, &c. going from town to town, or to other men's houſes, or opening a room or ſhop, and expoſing to ſale any goods, wares, or merchandizes, by retail, in any town, pariſh, or place, ſuch perſon not being a houſholder there, or the ſame not being an uſual place of his or her abode, or of his or her carrying on buſineſs, ſhall ſell, or expoſe to ſale, any goods, wares, &c. in any city or market town in England, Wales, or the town of Berwick upon Tweed, or within the diſtance of two miles from the middle of the moſt central market place of ſuch city or market town, by the moſt uſual or common roads, on pain of forfeiting and paying, for every ſuch offence, the ſum of 10l.

Not to ſell in or near city, town, &c.

But nothing contained ſhall extend to hinder any perſon or perſons from ſelling, or expoſing to ſale, any ſort of goods or merchandizes in any public mart, market, or fair, but ſuch perſon may do therein as they lawfully might have done before the making of this act.

except in public market, &c.

If any hawker, pedlar, &c. ſhall vend any goods in any ſuch city, town, or place, contrary to any of the proviſions in this act contained, ſuch hawker, pedlar, &c. ſhall be liable to the like penalties as are by this act inflicted on hawkers, pedlars, or petty chapmen, or other trading perſons travelling without licence.

Penalty on offenders.

29 *G.* 3. *c.* 26. Privilege to certain hawkers.

Any perſon or perſons who, on the firſt day of May 1789, was or were duly licenſed to trade as hawkers and pedlars, may exerciſe any craft, myſtery, or occupation, uſed or occupied within this realm, in any place where they ſhall be reſident inhabitants, although they ſhall not have been brought up in ſuch craft ſeven years as apprentices, and alſo may ſet any perſon on work in ſuch craft, &c. although ſuch perſon ſhall not have been apprentice therein as aforeſaid; any penalty contained in an act paſſed in the fifth year of the reign of Queen Elizabeth, intituled, *An act containing divers orders for artificers, labourers, ſervants in huſbandry, and apprentices*, to the contrary notwithſtanding; and if proſecuted and found guilty, ſhall be intitled to double coſts; no ſuch perſons, their

wives

wives or children, during the time they ſhall uſe and exerciſe ſuch craft, myſtery, or occupation, in any pariſh or place, ſhall be removeable to their laſt legal place of ſettlement, until they ſhall become actually chargeable.

Wholeſale traders not hawkers.

No perſon being a wholeſale trader in goods, wares, or manufactures of Great-Britain, and ſelling the ſame by wholeſale, ſhall be deemed a hawker, pedlar, or petty chapman, within the intent and meaning of this or of any other act relative to hawkers; all perſons ſelling by wholeſale only, ſhall go from houſe to houſe, and from ſhop to ſhop, to any of their cuſtomers, who ſell again by wholeſale or retail, without being ſubject or liable to any of the penalties or forfeitures contained in this or in any of the ſaid acts, touching hawkers, pedlars, or petty chapmen.

Licenſed printed papers, &c. not included.

Nothing in this act ſhall extend to prohibit any perſon or perſons from ſelling any printed papers, licenſed by authority, or any fiſh, fruit, or victuals; nor to hinder the real worker or maker of any goods, wares, or manufactures of Great-Britain, or his, her, or their children, apprentices, or known agents or ſervants, uſually reſiding with ſuch real workers or makers only, from carrying abroad and ſelling by retail, or otherwiſe, any of the ſaid goods, wares, or manufactures, of his, her, or their own making, in any mart, market, or fair, and in every city, borough, town corporate, and market town; nor any tinkers, coopers, glaziers, plumbers, harneſs-menders, or other perſons uſually trading in mending kettles, tubs, houſehold goods, or harneſs whatſoever, from going about and carrying with him or them proper materials for mending the ſame.

Penalties, how recovered and applied.

All pecuniary penalties which ſhall be incurred under this act, of greater ſum than 20l. ſhall be recovered, together with coſts of ſuit, in any of his Majeſty's courts of record at Weſtminſter, by action of debt or information; and one moiety of every ſuch penalty or forfeiture ſhall belong to his Majeſty, his heirs and ſucceſſors, and the other moiety thereof to the perſon or perſons who ſhall inform or ſue for the ſame.

29 *G.* 3. *c.* 26. Under 20l. one juſtice.

Where the pecuniary penalty by this act impoſed doth not exceed the ſum of 20l. it ſhall be recoverable before one of his Majeſty's juſtices of the peace, where the offence ſhall be committed, on proof of the offence either by voluntary confeſſion, or by the oath of one or more credible witneſs or witneſſes; and one moiety of every ſuch laſt-mentioned penalty ſhall belong to his Majeſty, his heirs and ſucceſſors, and the other moiety to the informer or informers proſecuting for the ſame; and, in caſe of non-payment, the ſaid juſtice, by warrant under his hand and ſeal, ſhall cauſe the ſame to be levied by diſtreſs and ſale of the offender's goods and chattels, and the overplus, after deducting the penalty and the expence of the diſtreſs and ſale, ſhall be rendered to the owner; and ſhall alſo commit the offender to the priſon of ſuch county, &c. there

to

to remain until the ſaid penalties and the reaſonable char of taking the ſaid diſtreſs, ſhall be levied by ſuch diſtreſs ſale as aforeſaid, or until the ſame ſhall be paid or ſatisfied ſuch offender; and it ſhall be lawful for any ſuch juſtice of peace, by his warrant, to cauſe ſuch offender to be apprehe ed and brought before him to anſwer to any charge or co plaint for any ſuch penalty, and to commit ſuch offende priſon as aforeſaid, until the hearing of ſuch charge or co plaint, unleſs he or ſhe ſhall and do enter into a recogniza before ſuch juſtice, with two ſufficient ſureties, in a ſuffici ſum, to be ordered by ſuch juſtice, to appear at the heari of ſuch charge or complaint.

29 *G.* 3. *c.* 26, No perſon committed to any gaol or houſe of correction, any offence committed againſt this act, ſhall be detained ſuch gaol or houſe of correction, for any longer ſpace of ti than three months.

Time of imprisonment.

If any perſon or perſons ſhall find himſelf, herſelf, or the ſelves aggrieved by the judgment of any ſuch juſtice, then h ſhe, or they, upon entering into a recognizance wi two ſufficient ſureties, to be approved by ſuch juſtice, the amount of the value of ſuch penalty and forfeiture, tog ther with a ſum, which, in the judgment of ſuch juſtice, ſh be adequate to the amount of the coſts which may be awarde conditioned to pay the amount of ſuch penalties, forfeiture and coſts as ſhall be adjudged, in caſe ſuch judgment ſhall be affirmed, ſhall or may appeal to the juſtices of the peace, at t next general quarter-ſeſſions for the county, &c. who are here impowered to ſummon and examine witneſſes upon, and final to hear and determine the ſame, or, at their diſcretion, to ſta the facts ſpecially for the determination of his Majeſty's cou of king's bench thereon; and in caſe the judgment of ſuc juſtice ſhall be affirmed, it ſhall be lawful for ſuch juſtices, the court of king's bench, to award the perſon or perſons pay ſuch coſts occaſioned by ſuch appeal as to them ſhall see meet.

Power of appeal.

A conviction in the form, or to the effect following, ſhall b good and effectual to all intents and purpoſes whatſoeve without ſtating the evidence, and without alledging more tha the ſubſtance of the offence, in all caſes wherein any juſtice the peace hath power to convict by virtue of the preſent act

Form of conviction.

Be it remembered, That on the day of in the year of our Lord at in the county of A. B. came before me, C. D. Eſquire one of his majeſty's juſtices of the peace for the ſaid county, reſidi near the place where the offence herein-after mentioned was com mitted, and informed me that E. F. of in the ſa county of [here ſet forth the fact for which th information is laid]; *whereupon the ſaid E. F. being duly ſum moned to anſwer the ſaid charge, appeared before me* [*and acknow ledge*

knowledged and voluntarily confeſſed the facts therein ſtated to be true, but in his (or her) defence alledged [here ſetting forth the ſubſtance of the defence]; *or voluntarily confeſſed the ſaid charge to be true; or did not make any defence againſt the ſaid charge; whereupon the ſame was fully proved on the oath of G. H. a credible witneſs; or ſaid that he (or ſhe) was not guilty of the ſaid offence, whereupon the ſame was fully proved on the oath of G. H. a credible witneſs* [or as the caſe ſhall be], *or did not appear before me purſuant to the ſaid ſummons, but the ſaid charge was fully proved on the oath of G. H. a credible witneſs* [or as the caſe may be]; *and therefore it manifeſtly appearing to me that the ſaid E. F. is guilty of the offence charged in the ſaid information, I do hereby convict him (or her) of the ſaid offence, and do adjudge that he (or ſhe) hath forfeited the ſum of*
(or his (or her) licence, and the ſum of) of lawful money of Great-Britain, to be diſtributed as the law directs, according to the form of the ſtatute in ſuch caſe made and provided. Given under my hand and ſeal the day of

29 G. 3. c. 26.

No conviction upon this act ſhall be removed or removeable, by writ of certiorari or otherwiſe, into his Majeſty's court of king's bench, or any other court, ſave upon an appeal, as by this act is directed.

Conviction not removeable.

Every juſtice, before whom any perſon hath already been convicted of any offence, by virtue of any of the acts hereby repealed, and having received for his Majeſty's uſe any part or ſhare of any penalty levied, inflicted, or paid, under ſuch conviction, for which he has not already accounted, ſhall, within ſix months after the paſſing of this act, tranſmit to the commiſſioners for licenſing hawkers, pedlars, and petty chapmen, a ſchedule or ſchedules, containing the names of the perſons ſo convicted, the day on which they were convicted, their reſpective offences, and the reſpective ſums now remaining in the hands of ſuch juſtice for his Majeſty's uſe; and every juſtice, before whom any ſuch perſon ſhall be convicted of any offence under this act, ſhall take and receive his Majeſty's ſhare of the penalty levied or paid by virtue of ſuch conviction; and every ſuch juſtice, his executors or adminiſtrators, ſhall pay, or cauſe to be paid, all ſuch ſums of money as ſhall be remaining in his or their hands at the time of the paſſing of this act, at the next general quarter-ſeſſions of the peace after the paſſing of this act, and all ſuch ſums which he ſhall ſo take or receive upon any conviction by virtue of this act, at the next general quarter-ſeſſions of the peace after he ſhall have ſo taken or received the ſame, into the hands of the clerk of the peace, or other ſuch like officer, for the county, &c. within which ſuch conviction ſhall have been made, who is hereby directed to remit the ſame forthwith, without fee or reward, to the ſaid commiſſioners for licenſing hawkers, pedlars, and petty chapmen, or to ſuch perſon or perſons as the greater part

Juſtice accountable for penalties recovered.

part of them ſhall appoint; and every ſuch juſtice, his ex
cutors or adminiſtrators, ſhall, immediately on ſuch payme
made to any clerk of the peace, or other ſuch officer, tranſm
a like ſchedule to the ſaid commiſſioners, or to ſuch perſon
perſons as they, or the greater part of them, ſhall appoint.

29 *G.* 3. *c.* 26. Powers of former acts.

All and every the powers, authorities, penalties, and fo
feitures, and all things whatſoever, which in and by the a
of King William III. aforeſaid, or by any other law now i
force concerning the duties by that act granted, are provide
ſettled, or eſtabliſhed (other than ſo far as the ſame are incon
ſiſtent with, or contradictory to any thing in this act contained
and other than in ſuch caſes for which different proviſions ar
preſcribed by this act), ſhall be exerciſed and applied in ma
naging, raiſing, collecting, recovering, and paying the duti
hereby granted, as fully and effectually as if the ſaid power
authorities, &c. were particularly repeated and again enacte
in this preſent act.

Penalty on witneſſes refuſing to appear.

If any perſon ſhall be ſummoned as a witneſs to give evi
dence before any juſtice or juſtices of the peace, touching an
of the matters relative to this act, or to the herein-before men
tioned act, made in the reign of King William III. and ſha
neglect or refuſe to appear, without a reaſonable excuſe, to b
allowed of by ſuch juſtice or juſtices, or appearing, ſhall refuſ
to be examined upon oath, and give evidence before ſuch juſ
tice or juſtices, every ſuch perſon ſhall forfeit, for every ſuch
offence, the ſum of 10l. to be recovered as the other penalties

Duties, where paid.

The ſeveral duties herein-before granted ſhall be paid, from
time to time, into the hands of the caſhier, for the time being
of the duties on hawkers, pedlars, and petty chapmen, who
ſhall keep a ſeparate and diſtinct account of the ſeveral rate
and duties, and pay the ſame (the neceſſary charges being de-
ducted) into the receipt of the Exchequer, at ſuch time, and
in ſuch manner, as the duties now charged on hawkers, ped-
lars, and petty chapmen, are directed to be paid.

If any perſon or perſons ſhall be ſued for any thing by him
or them done in purſuance of this act, ſuch perſon or perſons
ſhall and may plead the general iſſue, and give the ſpecial mat-
ter in evidence for his or their defence; and if a verdict ſhall
paſs for the defendant or defendants, or the plaintiff or plain-

Plaintiff nonſuited, treble coſts.

tiffs ſhall become nonſuited, or judgment ſhall be recovered
againſt him or them, or if the plaintiff or plaintiffs ſhall diſ-
continue his, her, or their action, or be nonproſſed therein,
ſuch defendant or defendants ſhall have treble coſts awarded to
him or them, againſt ſuch plaintiff or plaintiffs.

Hawks and Hawking. See Game.

Hedge-breaking. See Wood.

IT ſhall not be lawful for any perſon to water any hemp or flax, in any river, running water, ſtream, brook, or other common pond, where beaſts uſe to be watered, on pain that every perſon offending ſhall forfeit 20s. half to the king, and half to the party grieved, or any other who ſhall ſue in any court of record, leet, &c. 33 *H.* 8. *c.* 17. Penalty on watering hemp in rivers, &c.

Every grower of hemp or flax, who ſhall be entitled to the bounty of 3d. per ſtone for hemp, and 4d. for flax, ſhall ſign and exhibit his claim to one of the juſtices of the peace for the county, mentioning, in ſuch claim, of what crop the ſame is, and the farm or ground on which the hemp or flax grew; which claim ſhall be likewiſe atteſted by two of the pariſh officers; and which claim, ſo atteſted, the ſaid juſtice is hereby required to counterſign, and tranſmit to the juſtices for the county, riding, or place, at their next general quarter-ſeſſions. The juſtices, at their Michaelmas ſeſſions, are to advertiſe the bounties granted by this act, with the conditions neceſſary to be complied with before the ſame can be received. And, at their Midſummer quarter-ſeſſions in each year, to make up a ſtate of the claims which have been finally ſettled and allowed by them, and tranſmit the ſame to the commiſſioners for trade and plantations. And the receivers of the land-tax ſhall pay, on order of the quarter-ſeſſions, the ſums appropriated for each county. The juſtices ſhall tranſmit to the commiſſioners for trade, &c. a ſtate of the claims made, and their proceedings thereupon. This act was made to continue only five years from the firſt day of Auguſt, 1782, and from thence to the end of the then next ſeſſion of parliament. 21 *G.* 3. *c.* 38. Bounty, how claimed. Paid, by whom. Expired in 1787.

Herring Fiſhery.

IF any perſon ſhall damnify or deſtroy, without conſent of the ſociety of the free Britiſh fiſhery, any of the nets, ſails, cordage, ſtores, or other materials belonging to the ſaid ſociety, he ſhall, on conviction on the oath of two witneſſes before one juſtice, forfeit to the ſociety treble value, by diſtreſs; and, for want of ſufficient diſtreſs, ſhall be committed to the houſe of correction to hard labour, for any time not exceeding three months, or till ſatisfaction be made. Proſecution to be within ſix calendar months. 28 *G.* 2. *c.* 14. Deſtroying nets, &c.

Hides and Skins. See Leather.

High-Treaſon. See Treaſon.

Of the ſpecial Seſſions to be held for the Highways.

13 G. 3. c. 78. Seſſions, when to be holden.

THE juſtices ſhall hold a ſpecial ſeſſions for the highways, in the week next after the Michaelmas general quarter-ſeſſions yearly. And any two juſtices, within their reſpective limits, may, whenever they ſhall judge proper, hold a ſpecial ſeſſions, and adjourn the ſame as they ſhall think fit; cauſing notice to be given of the time and place of holding ſuch ſpecial ſeſſions, and of the adjournments thereof, to the ſeveral juſtices acting and reſiding within ſuch limits, by the high conſtable or other proper officer.

Notice to be given.

Appointment of Surveyors.

Id.

THE juſtices ſhall hold ſuch Michaelmas ſpecial ſeſſions as aforeſaid, at ſuch convenient place, within their reſpective limits, as they in their diſcretion ſhall judge proper; and ſhall give notice of the time and place to the conſtables of the reſpective pariſhes, townſhips, or places, at leaſt ten days before the holding of the ſaid ſeſſions.

Ten days notice of time and place.

Id. Day preciſely fixed.

On September 22, yearly, unleſs that day be Sunday, and then on the day following, the conſtables, churchwardens, ſurveyors of the highways, and houſholders aſſeſſed to any parochial or public rate, ſhall aſſemble at the church or chapel, or if there be no church or chapel, then at the uſual place of public meetings, at the hour of eleven in the forenoon; and the major part of them, ſo aſſembled, ſhall make a liſt of the names of at leaſt ten perſons living within ſuch diſtrict, each of whom hath an eſtate in lands, tenements, or hereditaments, lying within ſuch diſtrict, in his own right, or in the right of his wife, of the value of 10l. by the year, or a perſonal eſtate of the value of 100l. or occupieth a tenement of the yearly value of 30l. And if there ſhall not be ten perſons ſo qualified, they ſhall inſert in ſuch liſt the names of ſo many as are ſo qualified, together with the names of ſo many of the moſt ſufficient and able inhabitants, not ſo qualified, as ſhall make up the number ten, if ſo many can be found; if not, ſo many as ſhall be there reſident, to ſerve the office of ſurveyor of the highways.

Ten perſons to be named,

or as many as are reſident.

Id. Conſtable's duty.

And the conſtable ſhall, within three days after ſuch meeting, tranſmit a duplicate of ſuch liſt to one of the juſtices living near to ſuch pariſh or place. And ſhall alſo, within three days after making the ſaid liſt, give perſonal notice to, or cauſe notice in writing to be left at the place of abode of, the ſeveral perſons contained in ſuch liſt, informing them of their being ſo named; to the intent that they may ſeverally appear before the juſtices at the ſaid ſpecial ſeſſions, to accept ſuch office, if they ſhall be appointed thereto, or to ſhew cauſe, if they have any

any, againſt their being ſo appointed. And ſhall alſo return and deliver the original liſt to the juſtices, at their ſaid ſpecial ſeſſions, to be holden in the week next after the Michaelmas general quarter-ſeſſions.

And the juſtices then and there, from the ſaid liſts, according to their diſcretion, and the largeneſs of the pariſh, townſhip, or place, ſhall, by warrant under their hands and ſeals, appoint one, two, or more of ſuch perſons as aforeſaid, if he or they ſhall, in the opinion of ſuch juſtices, be qualified for the office; if not, one, two, or more of the other ſubſtantial inhabitants, or occupiers of lands, tenements, woods, tithes, or other hereditaments, within ſuch pariſh, townſhip, or place, living within three miles thereof, and within the ſame county, fit and proper to ſerve the office, if any ſuch can be found.— Which appointment ſhall, by the conſtable, be notified to every perſon ſo appointed, within three days after ſuch appointment, by ſerving him with the ſaid warrant, or by leaving the ſame, or a true copy thereof, at his houſe or uſual place of abode. And the ſaid juſtices ſhall then and there give ſuch of the ſaid ſurveyors as ſhall perſonally appear before them, a charge, for the better performance of their duty. 13 G. 3. c. 78. One or two ſurveyors with a charge.

If any of the perſons ſo appointed, whoſe names were contained in the liſt, and who were ſerved with the ſaid notice, ſhall refuſe or neglect to appear at the ſaid ſpecial ſeſſions and accept the ſaid office, if appointed thereto in manner aforeſaid; or ſhall not, within ſix days after being ſerved with ſuch warrant of appointment, ſignify his acceptance thereof, either in perſon or by writing, to one of the ſaid juſtices; he ſhall forfeit 5l. And if any perſon ſo appointed, whoſe name was *not* contained in the liſt, ſhall refuſe or neglect to accept the ſaid office; or ſhall not, within ſix days after being ſerved with the appointment, ſhew, to one of the juſtices ſigning ſuch appointment, ſufficient cauſe why he ſhould not ſerve ſuch office, he ſhall forfeit 50s. *Id.* Penalty on refuſing to act.

But if no ſuch liſt ſhall be made and returned, or if the juſtices ſhall make an appointment, and the perſon appointed ſhall refuſe to ſerve; the ſaid juſtices, or any two of them, ſhall, at the ſaid ſpecial ſeſſions, or at ſome ſubſequent ſeſſions to be holden within one month after, nominate and appoint ſome other perſon whom they ſhall judge proper, and appoint him a ſalary out of the ſaid forfeitures and all other forfeitures, fines, penalties, aſſeſſments, and compoſitions, within ſuch diſtrict, as they ſhall think fit, not exceeding one eighth part of what ſhall have been raiſed by an aſſeſſment of 6d. in the pound for the uſe of the highways in ſuch diſtrict, where any ſuch aſſeſſment hath been raiſed; and obſerving the ſame reſtriction as near as they can, from the beſt information they ſhall be able to get, out of the probable amount of ſuch aſſeſſment, where none hath been already made; and the juſtices may, if they think fit, require the conſtable and ſurveyor, or *Id.* Perſon with a ſalary, how paid.

any of them, to return to the ſaid juſtices, at ſuch time and place as they ſhall appoint, an account in writing of ſuch ſum which ſuch aſſeſſment of 6d in the pound hath raiſed, or will, in their opinion, raiſe within ſuch pariſh or place.

13 G. 3. c. 78. Penalty on neglect of making the liſt.

And if the conſtables, churchwardens, ſurveyors, and ſuch houſholders as aforeſaid, ſhall neglect or refuſe to make ſuch liſt; or if the conſtable ſhall not return ſuch liſt when made, and ſuch duplicate thereof as aforeſaid; nor give ſuch notice or notices, and ſerve ſuch warrant, as in this act is directed; or if ſuch conſtable or ſurveyor ſhall neglect to return ſuch account of the amount of ſuch aſſeſſment as aforeſaid, when required, they ſhall forfeit 40s. Provided, that in cities, boroughs, and towns corporate, the juſtices ſhall not allow any ſalary, other than ſuch as ſhall be agreed on by two parts out of three of the perſons aſſembled in the reſpective pariſh, townſhip, or place, within ſuch city, borough, or town corporate.

In cities and boroughs.

Id.

And in all caſes where the juſtices, upon neglect or refuſal of the perſon ſo appointed ſurveyor to accept the ſaid office, ſhall appoint any other with a ſalary; they ſhall appoint one ſubſtantial inhabitant of ſuch pariſh, townſhip, or place, for aſſiſtant to ſuch ſurveyor, until the next annual appointment of ſurveyors: And if the perſon ſo appointed ſhall, on notice of ſuch appointment, refuſe to accept the office, he ſhall forfeit 5os. And if any ſecond appointed aſſiſtant ſhall refuſe to accept that office, he ſhall, in like manner, forfeit 5os. And, in ſuch caſe, they may appoint a third perſon, in like manner, to be aſſiſtant to ſuch ſurveyor; who ſhall be intitled to theſe laſt mentioned forfeitures, and alſo to ſuch further allowance, by way of ſalary, as the ſaid juſtices ſhall think proper; to be paid as the ſurveyor's ſalary is hereby directed to be paid. Provided, that no perſon, ſo appointed aſſiſtant for one year, ſhall be liable to be appointed aſſiſtant again for the ſame pariſh, townſhip, or place, within three years next following ſuch appointment, without his conſent.

Surveyor's aſſiſtant.

Not compellable for more than a year.

Id.

And the ſurveyor of any pariſh, townſhip, or place, who ſhall not reſide therein, but ſhall be appointed with ſuch ſalary as aforeſaid, ſhall (if required) give bond, upon paper without ſtamp (for which the juſtice's clerks ſhall have 6d. and no more), to account for the money that ſhall come to his hands as ſurveyor.

Surveyor, with ſalary, to give bond.

Id.

The juſtices ſhall, at every ſpecial ſeſſions to be held in the week next after the Michaelmas quarter-ſeſſions, cauſe to be delivered a printed abſtract of the moſt material parts of this act, to every ſurveyor to be then appointed by them, as the charge hereby directed to be given. And the ſurveyors ſhall pay to the juſtice's clerks, for the appointment and charge, the ſum of one ſhilling.

Abſtract of the act.

13 G. 3. c. 78. If two parts out of three, of thoſe ſo to be aſſembled for the nomination of ſurveyors, ſhall agree in the choice of any particular

ticular perſon of ſkill and experience to ſerve the office of ſurveyor, and in ſettling a certain ſalary for his trouble therein, and ſhall return the name of ſuch perſon, together with the bill, to the juſtices at their ſaid ſeſſions, to be holden in the week next after the Michaelmas quarter-ſeſſions; the ſaid juſtices may, if they think proper, appoint ſuch perſon to be ſurveyor for ſuch pariſh, townſhip, or place, and allow him the ſalary mentioned in ſuch agreement; which ſhall be raiſed and paid in the ſame manner as the ſalary herein before mentioned is directed to be raiſed and paid.

Surveyor, with ſalary, inſtead of pariſh ſurveyor.

If a ſurveyor ſhall die, or become incapable of executing his office, before the next ſpecial ſeſſions for appointing ſurveyors, two juſtices, at a ſpecial ſeſſions, may appoint another whom they ſhall think proper, until the next ſpecial ſeſſions for appointing ſurveyors as aforeſaid. And if ſuch deceaſed ſurveyor had a ſalary, they may allow the ſame ſalary to his ſucceſſor, in proportion to the time he ſhall ſerve the ſaid office.

Id. Surveyor dying, &c.

The ſurveyor ſhall, from time to time, give information upon oath to the juſtices, or two of them, of all ſuch highways, and of all bridges, cauſeways, &c. as are out of repair, and ought to be repaired by any perſon or perſons, bodies politic or corporate, by reaſon of any grants, &c. and the ſaid juſtices ſhall limit a time for repairing the ſame: And if ſuch repairs ſhall not be effectually made within the time ſo limited, the ſaid juſtices ſhall preſent ſuch highways, bridges, cauſeways, or pavements, together with the perſon or perſons liable to repair the ſame, at the next general quarter-ſeſſions for the place where ſuch highway ſhall lie: And the juſtices there, if they ſee cauſe, may direct the proſecution to be carried on at the general expence of ſuch county, city, precinct, or liberty, and to be paid out of the general rates within ſuch juriſdiction.

Id. Bridges, cauſeways, &c. to be reported to the juſtices.

Juſtice's preſentment.

And where any lands have been or ſhall be given for the maintenance of cauſeways, pavements, highways, and bridges; the perſons enfeoffed or truſted therewith ſhall let them to farm at the moſt improved yearly value, without fine. And the juſtices, in their open ſeſſions, ſhall enquire, by ſuch ways and means as they ſhall think fitting, into the value of ſuch lands; and order the improvement and employment of the rents and profits thereof, according to the direction of the donor, if they find that the perſons ſo intruſted have been negligent or faulty in the performance of their truſt. Except ſuch lands as have been given, for the uſes aforeſaid, to any college or hall in either of the univerſities of this kingdom, which have viſitors of their own.

Id. Truſtees may let lands for bridges, &c.

Juſtice's enquiry into truſtee's conduct.

Exception of univerſities.

Proportion

Proportion of labour.

13 G. 3. c. 78. Duty of perſons keeping team, &c.

Every perſon keeping a waggon, cart, or wain, and th or more draught horſes, ſhall be liable to perform ſtatute d with the ſame, in the pariſh or place where he reſides, ſix d in every year (if ſo many days ſhall be found neceſſary), tween Michaelmas and Michaelmas, at ſuch times, and in ſu places as ſhall be appointed by the ſurveyors; and alſo *able* men with ſuch carriage; and theſe ſix days duty ſhall deemed his duty for 50l. a year, and for every other, 50l. annum, which he ſhall occupy in the ſame pariſh, or in a other pariſh, he ſhall ſend his team with not leſs th three horſes, and two able men with the ſame, for ſix month

Duty of thoſe who have no team.

If he ſhall occupy 50l. per annum, and ſhall not keep team, he ſhall find and ſend one.

Payment of 6d. in the pound.

Every perſon *not* keeping a team, but occupying under 5 ſhall pay 1d. for every day's ſtatute labour for every 20s. p annum, in the pariſh where he reſides.

Duty of perſon occupying in another pariſh.

Every perſon *keeping* a team, and occupying under 50l. any *other* pariſh than that wherein he reſides, ſhall alſo pay 1 in lieu of every day's ſtatute labour for every 20s. per annum and alſo 1d. for for every 20s. above 50l. and leſs than 100 and ſo for every progreſſive 20s. ſo occupied, which ſhall fa ſhort of the further increaſe of 50l. to be paid to the ſurveyo of the pariſh or place where ſuch lands, &c. lie.

Team with one labourer, if under 30l.

No perſon keeping a team, and occupying under 30l. a year ſhall be obliged to ſend more than *one* labourer with ſuch team.

Caſe where the ſurvivor has an option.

Every perſon who ſhall keep a cart with one or two horſes ſhall perform his duty with ſuch cart and horſe or horſes, and one labourer; or ſhall pay for the lands, &c. which he occu pies, at the option of the ſurveyor.

Perſons keeping carriages.

Every perſon keeping a chaiſe or other wheel carriage, bu not a team, nor occupying 50l. a year in the pariſh wherein he reſides, ſhall pay 1s. per day for every day's ſtatute duty for every horſe, which he ſhall uſe in ſuch carriage, or ſhall pay according to the value of the lands which he occupies, at the option of the ſurveyor.

Compoſition of labour.

13 G. 3. c. 78. Terms of compoſition.

ANY perſon liable to perform the duty by ſending a team, draught, or plough, with men, horſes, or oxen, in manner aforeſaid, may compound for the ſame, if he thinks fit, by paying to the ſurveyor ſuch ſum as the juſtices, at their Michaelmas ſpecial ſeſſions in every year, ſhall adjudge to be reaſonable, not exceeding 6s. nor leſs than 3s. for each team, draught,

raught, or plough, for each day; and, in default of their adging the ſame, then the ſums of 4s. 6d. for every cart, and e horſe or beaſt of draught, 2s.—for every cart with two rſes or beaſts of draught, 3s.—for and in lieu of each day's ty. And every inhabitant liable to perform ſuch duty or bour, and not chargeable in any other reſpect, may com- und for 4d. each day.

Provided, that if it ſhall appear to the juſtices, at their ſpe- al ſeſſions to be held in the week next after the Michaelmas arter-ſeſſions, that in any place there will be a difficulty in ocuring the neceſſary carriage, or a ſufficient number of la- urers, without paying high and extravagant prices for the me; the ſaid juſtices may order the team duty, or ſo much ereof as they ſhall think fit, to be performed in kind, except reſpect of ſuch teams as belong to perſons who do not oc- py 30l. a year; they alſo may order the labourers, or ſuch rt of them as they ſhall think fit, to perform the labour in nd, on being paid for ſuch labour the uſual wages given to bourers in ſuch pariſh, townſhip, or place, deducting there- t the ſum of 4d. for each day, being the compoſition hereby lowed for labourers. 13 G. 3. c. 78. In what caſes, duty in kind.

Provided, that if part of ſuch teams or labourers only are re- ired, it ſhall be directed by the ſaid order of the juſtices in ne given proportion, as one half, third, or fourth part there- ; and the ſurveyor ſhall, in that caſe, at a public veſtry, put e names of all the perſons liable to ſend ſuch teams into one t or box, and the names of all the perſons liable to perform ch labour into another hat or box; and ſome inhabitant, then eſent, ſhall draw out ſuch number from each, as ſhall be ual to the proportion ſo ordered by the juſtices; and the rſons ſo drawn ſhall perform ſuch duty in kind for that year. hich order of the ſaid juſtices, ſo far as the ſame ſhall be ex- nded, ſhall ſuperſede the ſaid power or liberty of compound- g, and ſhall be binding and effectual to all intents and pur- ſes. *Id.* When all are not wanted.

And if any perſon ſhall keep a team, draught, or plough, d ſhall not occupy 30l. a year in the pariſh, townſhip, or ace where he ſhall reſide, but ſhall in part maintain his horſes d beaſts of draught uſed in ſuch team, upon or from lands hich he ſhall occupy in one or more pariſh or pariſhes; it ſhall lawful for the juſtices, at ſome ſpecial ſeſſions, to mitigate d reduce the duty or compoſition in ſuch manner as they ll think reaſonable. *Id.* Power of mitigation, in ſpecial caſes.

Working.

EVERY *man* inhabiting in any pariſh, townſhip, or place, d being at the age of 60 years, not chargeable in any other atter reſpecting the highways, for 4l. a year, or upwards, and 13 G. 3. c. 78. Who compellable.

13 G. 3. c. 78. and not being, *bona fide*, an apprentice or menial ſervant, n having performed the ſtatute duty or paid compoſition for t ſame in any other pariſh, townſhip, or place, for that ye ſhall, by himſelf or one ſufficient labourer, work ſix days, eight hours in every of the ſaid days, as he ſhall be directed

Penalty for default. the ſurveyor. And every perſon making default in perfor ing ſuch labour, at the time and place, and in the manner rected by this act, ſhall, for *every* ſuch neglect, forfeit ſum of 1s. 6d. (*i. e.* 9s. for ſix days neglect of perſonal labo or not paying the compoſition); and for not ſending a team with two men, 20s. per day. A cart with one horſe one man, 3s. per day.

Application of penalty. All which forfeitures ſhall be applied for the uſe of highways within the pariſh, townſhip, or place where ſame ſhall ariſe. And the ſurveyor ſhall, with all convenie ſpeed, proceed for the recovery thereof, that the ſame may recovered before he makes up his accounts.

Id. What roads firſt amended. The juſtices, at a ſpecial ſeſſions, may, by writing un their hands and ſeals, order thoſe highways (not being tur pike), which, in their opinion, do moſt want repair, to firſt amended, and at what time, and in what manner; cording to which order (if ſuch there be), the ſurveyors ſh proceed within their reſpective limits. If the juſtices make ſuch order, then the ſurveyors ſhall have the like power of rection.

Materials, how to be procured.

Id. Where to be ſought. IT ſhall be lawful for ſuch ſurveyor, for the uſe aforeſa in any waſte land, or common ground, river, or brook, wi in his diſtri&, or within any other pariſh, townſhip, or pla wherein gravel, ſand, chalk, ſtone, or other materials, likely to be found (in caſe ſufficient cannot be convenien had within the pariſh, townſhip, or place, where they are be employed, and in caſe ſufficient ſhall be left for the uſe the roads in ſuch other pariſh, townſhip, or place), to ſear for, dig, get, and carry away the ſame; ſo as he do not the by divert or interrupt the courſe of ſuch river or brook, or p

Where not. judice or damage any building, highway, or ford; nor d or get the ſame out of any river or brook within the diſtan of 100 feet above or below any bridge, nor within the li

Stones from lands, diſtance of any dam or wear. And likewiſe to gather ſto lying upon any lands or grounds within the pariſh, townſhi or place where ſuch highway ſhall be, for ſuch ſervice and pu poſe: And to take and carry away ſo much of the ſaid ma rials, as by him ſhall be thought neceſſary for the amendme of the ſaid highways, without making any ſatisfaction for t ſaid materials. But no ſuch ſtones ſhall be gathered witho

the conſent of the occupier of the lands, or a licence from a juſtice, after having ſummoned the occupier, and heard his reaſons (if he ſhall appear and give any) for refuſing his conſent. The ſame on turnpike-roads. with leave of occupier.

And it ſhall be lawful for the ſurveyor, for the uſe aforeſaid, to ſearch for, dig, get, and carry away ſand, gravel, chalk, ſtone, or other materials, if ſufficient cannot conveniently be had within ſuch waſte lands, common grounds, rivers, or brooks, in and through any of the ſeveral or incloſed grounds of any perſon whomſoever, within the pariſh, townſhip, or place, where the ſame ſhall be wanted, or, by licence of two juſtices at a ſpecial ſeſſions, within any other pariſh, townſhip, or place, adjoining or lying near to the highway for which ſuch materials ſhall be required, if it ſhall appear to ſuch juſtices that ſufficient materials cannot be conveniently had in the pariſh, townſhip, or place, where ſuch highways lie, or in the waſte lands, or common grounds, rivers, or brooks of ſuch adjacent pariſh, townſhip, or place, and that a ſufficient quantity of materials will be left for the uſe of the pariſh, townſhip, or place, where the ſame ſhall be (ſuch lands not being a garden, yard, avenue to a houſe, lawn, park, paddock, or incloſed plantation); the ſurveyor making ſuch ſatisfaction for the damage to be done to ſuch lands by the getting and carrying away the ſame, as ſhall be agreed upon between him and the owner, occupier, or other perſon intereſted, in the preſence, and with the approbation, of two or more ſubſtantial inhabitants; and if they cannot agree, then to be ſettled by a juſtice of the limit where the lands lie. 13 G. 3. c. 78. Surveyor's power, with leave of two juſtices. Satisfaction to be made.

And if any perſon ſhall dig, or cauſe to be dug, materials contrary to the directions of this act, whereby any bridge, mill, building, dam, highway, ford, mines, or tin works, may be damaged or endangered; he ſhall forfeit, not exceeding 5l. nor leſs than 20s. at the diſcretion of the court or juſtices before whom complaint ſhall be made. *Id.* No damage to be done.

Where a ſufficient quantity of ſtone, gravel, chalk, or other materials, cannot be provided and carried by the labourers and teams within any pariſh, townſhip, or place; the ſurveyor ſhall contract for the getting and carrying thereof (in preſence of the aſſiſtant, if any ſuch be appointed), at a meeting to be held for that purpoſe; of which ten days notice in writing ſhall be given, by fixing the ſame upon the door of the church or chapel, or, if there be no church or chapel, at the moſt public place there; which notice ſhall ſpecify the work to be done, and the time and place for letting thereof. And if the ſurveyor ſhall have any ſhare or intereſt in ſuch contract, or in any other contract for work or materials, or ſhall, upon his own account, let to hire any team, or ſell or diſpoſe of any timber, ſtone, or other materials (unleſs a licence in writing for the ſale of ſuch materials, or for letting to hire ſuch team, be firſt obtained from a juſtice), he ſhall forfeit 10l. and be for ever after incapable to be employed as a ſurveyor with a ſalary. *Id.* Surveyor may contract for materials. Fraudulent ſurveyor puniſhable.

13 G. 3. c. 78. Pit or hole unfenced,

If any ſurveyor, or perſon employed by him, ſhall, by reaſon of the ſearching for, digging, or getting any gravel, ſand, ſtones, chalk, clay, or other materials, make any pit or hole in ſuch lands, rivers, or brooks, as aforeſaid, wherein ſuch materials ſhall be found; he ſhall forthwith cauſe the ſame to be ſufficiently fenced off, and ſuch fence ſupported and repaired, during ſuch time as the ſaid pit or hole ſhall continue open; and, after having dug up ſufficient materials in ſuch pit or hole, he ſhall, within fourteen days, cauſe the ſame to be filled up, ſloped down, or fenced off, and ſo continued. And where no materials ſhall be found, he ſhall, within three days, cauſe ſuch hole or pit to be filled up, levelled, and covered with the turf or clod which was dug out of the ſame.

to be filled up within three days.

Id. Penalty for neglect.

And if ſuch ſurveyor or other perſon ſhall neglect to fill up, ſlope down, or fence off ſuch pit or hole, in manner and within the time aforeſaid, he ſhall forfeit 10s. And if he ſhall neglect to fence off ſuch pit or hole, or to ſlope down the ſame, as herein before directed, for ſix days after he ſhall have received notice for either of thoſe purpoſes from a juſtice, or from the owner or occupier of ſuch ſeveral ground, river, or brook, or any perſon having right of common within ſuch common or waſte lands, he ſhall, on conviction before one juſtice, forfeit not exceeding 10l. nor leſs than 40s.; the ſame to be applied in the fencing off, filling up, or ſloping down ſuch pit or hole, and towards repair of the roads in the pariſh where the offence was committed, as ſuch juſtice ſhall direct.

How applied.

Removing Obſtructions and Annoyances.

Id. Trees, &c. near the road.

NO tree, buſh, or ſhrub, ſhall be permitted to ſtand or grow in any highway, within the diſtance of fifteen feet from the centre thereof, except for ornament or ſhelter to the houſe, building, or court yard of the owner thereof.

Hedges cut.

And if the poſſeſſors of the land next adjoining ſhall not, within ten days after notice given by the ſurveyor, cut, prune, and plaſh ſuch hedges, and cut down or prune and lop ſuch trees; the ſurveyor may complain to a juſtice, who ſhall ſummon the poſſeſſor of the ſaid lands to appear before the juſtices, at ſome ſpecial ſeſſions, to anſwer to the ſaid complaint; and if it ſhall appear to the juſtices, at ſuch ſpecial ſeſſions, that ſuch poſſeſſor hath not complied with the requiſitions of this act, the ſaid juſtices, upon hearing the ſurveyor and the poſſeſſor of ſuch land, or his agent (or, in default of appearance, on having due proof of the ſervice of ſuch ſummons), may order ſuch hedges to be cut, plaſhed, and pruned, and ſuch trees to be cut down or pruned, in ſuch manner as may beſt anſwer the purpoſes aforeſaid. And if the poſſeſſor of ſuch land ſhall not, within ten days, obey ſuch order on notice thereof, he ſhall forfeit 2s. for every 24 feet in length of ſuch hedge which

Power of juſtices.

Penalty for neglect.

ſhall

shall be neglected to be cut and plashed, and 2s. for every tree which shall be neglected to be cut down, or pruned and lopped; and the surveyor shall cause the same to be done, and the possessor shall pay, over and above the penalties, the charges and expences of doing the same; to be levied by distress, by warrant of one justice. 13 G. 3 c. 78.

And where the ditches shall not be sufficient to carry off the water which shall lie upon and annoy the highways; in such case, it shall be lawful for the surveyor, by order of one justice, to make new ditches and drains in and through the lands adjoining or lying near to such highways, for the more easy and effectual carrying off such water from the said highways. Ditches cleansed.

And if any stone or timber, or any hay, straw, stubble, or other matter, for the making of manure, shall be laid in any highway within 15 feet from the centre thereof; and shall not, within five days after notice given by the surveyor, or some person aggrieved thereby, be removed; the owner or possessor of the lands adjacent, or any other person, by order of a justice, may clear the said highway, by removing the stone, timber, hay, straw, dung, or other matter, and have the same to his own use. Hay, straw, &c. near the road.

If any person shall encroach by making, or causing to be made, any hedge, ditch, or other fence, on any highway not being turnpike road, within the distance of 15 feet from the middle or centre thereof; or shall plough, harrow, or break up the soil of any land or ground, or in ploughing or harrowing the adjacent lands, shall turn his plough in or upon any land or ground, within the distance of 15 feet from the middle or centre of any highway, where the breadth of such highway is formed and marked, or described with certainty, and doth not exceed in breadth 30 feet; he shall forfeit 40s. to him who shall make information thereof: And the surveyor may cause such hedge, ditch, or fence, to be taken down, or filled up, at the expence of the person to whom the same shall belong: And one justice, on proof to him made upon oath, may levy as well the expences of taking down such hedges, as the said penalty, by distress. *Id.* Encroachments. Penalty.

The surveyor shall, at all times, as he shall judge proper, view all the common highways, trunks, tunnels, plats, hedges, ditches, banks, bridges, causeways, and pavements; and if he shall observe any nuisances, encroachments, obstructions, or annoyances, he shall give to any person doing or permitting the same personal notice, or notice in writing to be left at his usual place of abode, specifying the particulars: And if such nuisances, obstructions, or annoyances, shall not be removed, and the ditches, drains, gutters, and water-courses aforesaid effectually made, scoured, cleansed, and opened; and such trunks, tunnels, plats, and bridges made and laid; and such hedges properly cut and pruned, within twenty days after such notice, then the surveyor shall do the same, and the person ne- *Id.* Surveyor's view, to give notice of nuisance.

Penalty on not removing it.

glecting ſhall forfeit, for every foot in length, one penny, and, over and above the ſaid forfeiture, the ſurveyor ſhall, by ſuch perſon, be reimburſed his charges and expences in doing the ſame; and if not paid on demand, the ſurveyor ſhall apply to a juſtice, and, on making oath before him of the notice being given as aforeſaid, and of the work being done, and of the expences attending the ſame, the ſurveyor ſhall be repaid, by ſuch perſon, all ſuch charges as ſhall be allowed to be reaſonable by the ſaid juſtice; and if not paid on demand, the ſame ſhall be levied as other penalties and forfeitures by this act.

13 G. 3. c. 78. Driver's negligence.

If the driver of any cart, car, dray, or waggon, ſhall ride upon any ſuch carriage in any ſtreet or highway, not having ſome other perſon on foot or on horſeback to guide the ſame (ſuch carriages as are conducted by ſome perſon holding the reins of the horſe or horſes drawing the ſame excepted); or if the driver of any carriage whatſoever, on any part of any ſtreet or highway, ſhall by negligence, or wilful miſbehaviour, cauſe any hurt or damage to any perſon or carriage paſſing or being upon ſuch ſtreet or highway; or ſhall quit the highway, and go on the other ſide of the hedge or fence incloſing the ſame:—or wilfully be at ſuch diſtance from ſuch carriage, whilſt it ſhall be paſſing upon the highway, that he cannot have the direction and government of the horſes or cattle drawing the ſame;—or ſhall, by negligence or wilful miſbehaviour, prevent, hinder, or interrupt the free paſſage of any other carriage, or of his Majeſty's ſubjects, on the ſaid highways;—or if the driver of any empty or unloaded waggon, cart, or other carriage, ſhall refuſe or neglect to turn aſide and make way for any coach, chaiſe, loaded waggon, or cart, or other loaded carriage;—or if any perſon ſhall drive, or act as the driver, of any ſuch coach, poſt-chaiſe, or other carriage, let for hire or waggon, wain, or cart, not having the owner's name (as by this act is directed) painted thereon, or ſhall refuſe to diſcover the true chriſtian and ſurname of the owner of ſuch reſpective carriage; he ſhall, on conviction by confeſſion, view of the juſtice, or oath of one witneſs, before one juſtice, forfeit any ſum not exceeding 10s. in caſe ſuch driver be not the owner of ſuch carriage; and, if he be the owner, then any ſum not exceeding 20s. and, in default of payment, be committed to the houſe of correction for any time not exceeding one month, unleſs the ſame be ſooner paid. And every ſuch driver offending in either of the ſaid caſes, may, by authority of this act, with or without any warrant, be apprehended by any perſon who ſhall ſee ſuch offence committed, and ſhall be immediately conveyed or delivered to a conſtable or other peace officer, to be conveyed before a juſtice, to be dealt with according to law. And if any driver, in any the caſes aforeſaid, ſhall refuſe to diſcover his name, the juſtice may commit him to the houſe of correction for any time not exceeding three months, or may proceed againſt him for the penalty

Name on carriage.

Penalty.

Offender taken without warrant.

penalty by a deſcription of his perſon and the offence, and expreſſing in the proceedings that he refuſed to diſcover his name. Not telling his name.

And, for the better diſcovering of offenders, the owner of every waggon, wain, or cart, and alſo of every coach, poſt-chaiſe, or other carriage, let to hire, ſhall cauſe to be painted, upon ſome conſpicuous part of his waggon, wain, or cart, and upon the pannels of the doors of all ſuch coaches, poſt-chaiſes, or other carriages, before the ſame ſhall be uſed in any public highway, his chriſtian name and ſurname, and place of abode, in large legible letters; and continue the ſame thereupon ſo long as ſuch carriage ſhall be uſed upon any highway: And the owner of every common ſtage waggon or cart ſhall, over and above his chriſtian and ſurname, cauſe to be painted on the part and in the manner aforeſaid, the following words: *Common ſtage waggon* or *cart*, as the caſe may be. And every perſon uſing any ſuch carriage as aforeſaid upon any highway, without the ſaid names and deſcriptions reſpectively, or cauſing to be painted thereon any fictitious name or place of abode, ſhall forfeit not exceeding 5l. nor leſs than 20s. 13 *G.* 3. *c.* 78. Name to be legibly inſerted. Penalty on neglect.

And for preventing obſtructions near public bridges; if any perſon, collecting any tolls payable for paſſing over any public bridge with carriages or cattle of any kind, ſhall keep any victualling houſe, alehouſe, or other place of public entertainment; or ſhall ſell, or permit to be ſold therein, any wine, beer, ale, cyder, ſpirituous liquors, or other ſtrong liquors, by retail, he ſhall, on conviction before one juſtice, by confeſſion, or oath of one witneſs, forfeit 5l. No alehouſe, &c. near any bridge.

Direction-Poſts, Blocks, Mile-Stones, Water Marks, and Battlements of Bridges.

THE juſtices, at a ſpecial ſeſſions, ſhall iſſue their precept to the ſurveyor, where ſeveral highways meet, and there is no proper or ſufficient direction poſt or ſtone already fixed or erected, requiring him forthwith to cauſe to be erected or fixed, in the moſt convenient place where ſuch ways meet, a ſtone or poſt, with inſcriptions thereon, in large legible letters, painted on each ſide thereof, containing the name or names of the next market town or towns, or other conſiderable place or places to which the ſaid highways lead; and alſo at the ſeveral approaches or entrances to ſuch parts of any highways, as are ſubject to deep or dangerous floods, graduated ſtones or poſts, denoting the depth of water in the deepeſt part of the ſame, and likewiſe ſuch direction poſts or ſtones as the ſaid juſtices ſhall judge to be neceſſary for the guiding of travellers in the beſt and ſafeſt track through the ſaid floods or waters: And if he ſhall refuſe or neglect, for the ſpace of three months, to cauſe ſuch ſtones or poſts to be fixed; he ſhall forfeit 20s. *Id.* Juſtices ſhall order poſts, &c. Water marks.

If

13 G. 3. c. 78. Penalty for defacing, &c.

If any perſon ſhall pull down, deſtroy, obliterate, or defa any mile ſtone or poſt graduated, or direction poſt or ſton erected upon any highway, ſuch perſon ſhall, upon convictio before one juſtice, by the oath of one witneſs, or upon view the juſtice, forfeit, not exceeding 5l. nor leſs than 10s.; an in default of payment, ſhall be committed to the houſe of co rection, there to be whipped, and kept to hard labour for a time not exceeding one calendar month, nor leſs than ſeve days.

Breadth of wheels, and number of horſes.

Id. Limitation of horſes.

NO waggon, having the bottom of the fellies of the whee of nine inches breadth, ſhall be drawn with more than eig horſes; and no cart, having the bottom of the fellies of t wheels of nine inches breadth, ſhall be drawn with more th five horſes. And no waggon, having the bottom of the felli of the wheels of ſix inches breadth, and rolling on each ſide ſurface of nine inches, ſhall be drawn with more than ſeve horſes. And no waggon, rolling a ſurface of ſix inches onl ſhall be drawn with more than ſix horſes; and no cart, ha ing the bottom of the fellies of the wheels of ſix inches breadt ſhall be drawn with more than four horſes. And no waggo having the bottom of the fellies of the wheels of leſs bread than ſix inches, ſhall be drawn with more than five* horſe and no cart, having the bottom of the fellies of leſs bread than ſix inches, ſhall be drawn with more than three horſe on pain that the owner ſhall forfeit 5l. and the driver (n being the owner) 10s. for every horſe or beaſt above the num ber reſpectively, to the ſole uſe of the informer. But carriag moving upon wheels or rollers of the breadth of 16 inches o each ſide thereof, with flat ſurfaces, ſhall be allowed to b drawn with any number of horſes or other cattle.

Of leſs breadth than ſix inches. Rollers unlimited.

Time of proſecution.

No proſecution ſhall be commenced before a juſtice, unle the information be laid within three days; and if it ſhall ap pear to the juſtices, before whom the complaint ſhall be mad that the offender lives ſo remote as to make it inconvenient t ſummon him to appear before ſuch juſtice, the ſaid juſtice ma diſmiſs the complaint, and leave the informer to his remedy b action at law.

Id. Increaſe of horſes up hills.

The juſtices, at the Michaelmas quarter-ſeſſions, may li cence, in ſuch manner, and for ſuch time as they ſhall thin fit, an increaſe of the number of horſes to be drawn in carriag upon any ſteep hill, or any road not turnpike, over and abov the number herein before limited; if it ſhall appear, upon th oaths of credible witneſſes, to the ſatisfaction of any juſtice o the peace, or of any court of juſtice authorized to enforce th

N. B. On turnpike roads, the number of horſes in waggons is limited t *four*; in highways, in general, they are allowed *five*. The penalty on turn pike roads is 20s. to be paid by the driver, not being the owner; but 5l. if th owner offends.

execution

execution of this act, that any waggon, cart, or carriage, could not, by reason of deep snow or ice, be drawn by the number of horses or beasts of draught hereby allowed; they may stop the proceedings before them for recovery of the forfeiture. For all the purposes of this act, two oxen or horned cattle shall be considered as one horse.

The wheels of every cart, car, or dray, within the bills of mortality, shall be six inches broad in the felly, and not wrought about with iron, nor be drawn with above the number of three horses, after they are up the hills from the water side; on pain of 40s. by warrant of one justice, by distress; and, for want of distress, or non-payment in six days after demand, to be committed till paid. But this not to extend to any country cart or waggon, that shall bring any goods, or shall carry any goods half a mile beyond the paved streets of the cities of London and Westminster.

18 *G.* 2. *c.* 33. Carts within bills of mortality.

2 *W.* & *M.* *c.* 8. Not extend to country carts, &c.

Breadth, widening, changing, and diverting of Highways.

WHERE any highway shall be inclosed after a writ of *ad quod damnum* issued, and inquisition thereupon taken; any person that shall think himself injured by such inclosure, may appeal to the next general quarter-sessions, if there be time for that purpose; if not, to the next sessions after: And the determination of such sessions shall be final.

13 *G.* 3. *c.* 78. Party injured may appeal.

In aid of the common law, and to render the changing of highways less troublesome and expensive, power is given by this act, to the justices of the peace, to widen, divert, and change highways, as they shall judge most convenient.

Id. Justice's authority.

Where it shall appear, upon the view of two justices, that any highway between the fences thereof is not of sufficient breadth, and may be conveniently widened and enlarged; or that the same cannot be conveniently enlarged and made commodious for travellers, without diverting and turning the same; the said justices shall order such highway respectively to be widened and enlarged, or diverted and turned, in such manner as they shall think fit; so that the said highway, when enlarged and diverted, shall not exceed 30 feet in breadth; and that neither of the said powers do extend to pull down any house or building, or to take away the ground of any garden, park, paddock, court, or yard.

Id. Road may be widened, to thirty feet.

And if the surveyor cannot agree with the owners; or if they shall refuse to treat or to take such recompence as shall be offered by the surveyor; then the justices, at any general quarter-sessions, upon certificate in writing, signed by the justices who made such view, of their proceedings in the premises, and, on proof of fourteen days notice in writing having

13 *G.* 3. *c.* 78. Jury to be appointed.

ing been given by the ſurveyor to the owner, occupier, o other perſon or body corporate intereſted in ſuch ground, or t his or their guardian, truſtee, clerk, or agent, ſignifying a intention to apply to ſuch quarter-ſeſſions for the purpoſes o taking ſuch ground, ſhall impanel a jury out of the perſon returned to ſerve at ſuch ſeſſions: And the ſaid jury ſhall, up on their oaths, aſſeſs the damages to be given, and recom pence to be made to the owners and others intereſted in th ſaid grounds, as they ſhall think reaſonable, not exceedin forty years purchaſe for the clear yearly value of the ground and likewiſe ſuch recompence as they ſhall think reaſonable for making new ditches and fences on the ſide or ſides of th ſaid highways that ſhall be ſo enlarged or diverted; and al ſatisfaction to any perſon, or body corporate, that may b otherwiſe injured by the enlarging or diverting the ſaid high ways reſpectively.

Not above forty years purchaſe.

Id.
Old way ſtopped up.

And when any new highway ſhall be made as aforeſaid, th old way ſhall be ſtopped up, and the land and ſoil thereof ſha be ſold by the ſurveyor, with the approbation of the ſaid juſ tices, to ſome perſon whoſe lands adjoin thereto, if he ſhall b willing to purchaſe the ſame; if not, to ſome other perſon, fo the full value thereof. But if ſuch old road ſhall lead to an lands, houſe, or place, which cannot, in the opinion of ſuch juſtices, reſpectively be accommodated with a convenient way and paſſage from ſuch new highway; in ſuch caſe, the old highway ſhall only be ſold, ſubject to the right of way and paſ ſage to ſuch lands, houſe, or place reſpectively; and the money ariſing by the ſale ſhall be applied towards the purchaſe of the land where ſuch new highway ſhall be made. And on payment or tender of the money; and on a certificate ſigned by the ſaid two juſtices, or by the chairman of the ſaid court or quarter-ſeſſions reſpectively, deſcribing the lands ſo ſold, and expreſſing the ſum ſo agreed for, and directing to whom the ſame ſhall be paid; and, on the purchaſer's taking a receipt for ſuch purchaſe-money from the perſon entitled to receive the ſame, by an indorſement on the back of ſuch certificate, the ſoil of ſuch old highway ſhall become veſted in ſuch purchaſer and his heirs.

or ſold on certain conditions.

Id.
Rate of 6d. in the pound.

And where there is not ſufficient money in the hands of the ſurveyor, the ſaid two juſtices, in caſe of agreement, or the ſaid quarter-ſeſſions, after ſuch verdict as aforeſaid, ſhall order an equal aſſeſſment to be made and levied upon all and every the occupiers of lands, tenements, woods, tithes, and hereditaments, in the pariſh, townſhip, or place where ſuch highways lies; and if not paid in ten days after demand, the ſame ſhall, by order of the ſaid two juſtices or court of quarter-ſeſſions reſpectively, be levied by the ſurveyor in the manner herein-after mentioned. Provided, that no ſuch aſſeſſment to be made in any one year ſhall exceed 6d. in the pound of the yearly value of the lands, tenements, woods, tithes, and hereditaments ſo aſſeſſed.

When

When it shall appear, upon the view of two justices, that any public highway, not in the situation herein before described, or public bridle-way, or foot-way, may be diverted, so as to make the same nearer or more commodious to the public, and the owner of the lands through which such new highway, bridle-way, or foot-way, is proposed to be made, shall consent thereto by writing under his hand and seal, it shall be lawful, by order of the justices at some special sessions, to divert and turn, and to stop up such foot-way, and to divert, turn, stop up, and inclose, sell and dispose of such old highway or bridle-way, and to purchase the ground and soil for such new highway, bridle-way, or foot-way, by such ways and means, and subject to such exceptions and conditions in all respects, as herein before mentioned with regard to highways to be widened or diverted. And it shall be lawful for any person injured or aggrieved by any such order or proceeding, or by the inclosure of any highway by virtue of an inquisition taken upon a writ of *ad quod damnum*, to appeal to the next general quarter-sessions, on giving ten days notice in writing to the surveyor and party interested in such inclosure, if there be time for that purpose; if not, then to the next sessions after. But no inclosure or stoppage of such old way shall be made, until the new way shall be compleated, and so certified by two justices upon view; which certificate shall be returned to the clerk of the peace, and by him inrolled amongst the records.

23 G. 3. c. 78.

Turning a high road.

Persons injured may appeal.

Provided, that no common land, lying between the fences of any old highway to be stopped up or inclosed by virtue of this act, shall be inclosed. And where the same, not being common land, shall, upon a medium, exceed 30 feet in breadth, and not extend to 50 feet, the same shall not be stopped up or inclosed, until satisfaction be made to the owner for so much as shall exceed the breadth of 30 feet; and if the parties cannot agree, the same shall be adjusted by the said justices, or the jury, if a jury be impanelled: And if it shall exceed 50 feet in breadth, or if the old road be through the open field or ground belonging to any particular person; such person, and also the person or persons entitled to the land between the fences on the side of such highway, shall respectively hold and enjoy the land and soil of such old highway, and pay to the surveyor so much as shall be agreed on; or if they cannot agree, then so much as shall be adjudged by the said justices or jury, if a jury be impanelled, to be adequate to the purchase, estimating such highway at 30 feet in breadth upon an average.

Id.

Common land in old road.

Disputes, how settled.

And the damage, if the parties interested shall not agree in adjusting the same, shall be adjudged by two indifferent persons, one to be named by the owner of the land, and the other by the said two justices; and if the persons so to be nominated cannot agree therein, they shall chuse some third person to

Id.

Damage, how adjusted.

13 G. 3. c. 78. adjudge the ſame, whoſe determination ſhall be final. And the money at which ſuch damage ſhall be adjudged, ſhall be applied in making ſatisfaction to the owner of the land through which ſuch foot-way ſhall be made.

Id. Unneceſſary roads ſtopped up.

And if in any pariſh or place, where a highway ſhall be diverted and turned, it ſhall appear to the juſtices, that there are other highways within ſuch pariſh or place, beſides that ſo to be diverted and turned, which may, without inconvenience to the public, be diverted into ſuch new highway, or into any other within the ſame pariſh or place, and the charge of repairing the ſame may be thereby ſaved; the ſaid juſtices may order ſuch highway, which ſhall appear to them unneceſſary, to be ſtopped up, and the ſoil thereof ſold, in ſuch manner, and ſubject to ſuch reſtrictions, and ſuch right of appeal, as herein before directed concerning highways to be ſtopped up or incloſed.

Aſſeſſments, how to be made.

Id.

FOR reimburſing expences, upon application by the ſurveyor to the juſtices at a ſpecial ſeſſions, and oath made of the ſums he hath *bona fide* laid out, or which will be required for the purpoſes aforeſaid; the ſaid juſtices, or two of them, ſhall by their warrant, cauſe an equal aſſeſſment to be made upon all occupiers of lands, tenements, woods, tithes, and hereditaments; to be made and collected by ſuch perſon or perſons, and allowed in ſuch manner, as the ſaid juſtices, by their order at ſuch ſeſſions, ſhall appoint; and to be levied as herein after directed. Provided, that no ſuch aſſeſſment for thoſe or any of thoſe purpoſes, in any one year, ſhall exceed the rate of 6d. in the pound.

Rate not exceeding 6d. in the pound.

Id.

If, upon application of the ſurveyor to the juſtices at their general or quarter-ſeſſions, or at a ſpecial ſeſſions for the highways, the ſaid juſtices ſhall be fully ſatisfied, by proof upon oath, that the duty hath been performed, and the money applied according to the directions of this act; or ſhall be fully ſatisfied that the common highways, bridges, cauſeways, ſtreets, or pavements, belonging to any pariſh, townſhip, or place, are ſo far out of order, that they cannot be ſufficiently amended and ſupported by the means herein before preſcribed (notice being firſt given of ſuch intended application, at the church or chapel on ſome Sunday preceding ſuch quarter or ſpecial ſeſſions; or, if the place be extra-parochial, notice in writing being firſt given of ſuch intended application, to ſome of the principal inhabitants reſiding in ſuch extra-parochial place, a week at leaſt before ſuch general or ſpecial ſeſſions); —in ſuch caſe, an equal aſſeſſment upon all and every the occupiers of lands, tenements, woods, tithes, and hereditaments, within any ſuch pariſh, townſhip, or place, for the ſaid

Further rates not exceeding 9d. in the pound.

ſaid purpoſes, may be made and collected by ſuch perſon, and allowed in ſuch manner, as the ſaid juſtices, by their order, at ſuch general or ſpecial ſeſſions, ſhall direct. Provided, that the ſaid aſſeſſment, and the aſſeſſment herein before authorized for buying materials, making ſatisfaction for damages, erecting guide poſts, and paying the ſurveyor's ſalary, ſhall not together, in any one year, exceed the rate of 9d. in the pound.

Penalty of hindering the Execution.

IF any perſon ſhall reſiſt or make forcible oppoſition againſt any perſon employed in the execution of this act; or make any reſcue of the goods diſtrained; or if any conſtable ſhall refuſe or neglect to execute or obey any warrant of a juſtice, he ſhall, on conviction before one juſtice, forfeit not exceeding 10l. nor leſs than 40s. to be paid to the ſurveyor, for the repair of the highways: If not forthwith paid, or ſecured to be paid upon conviction, the juſtice ſhall commit him to the common gaol or houſe of correction, for any time not exceeding three months, unleſs the forfeiture be ſooner paid. 13 G. 3. c. 78. Conviction before one juſtice.

Penalty of the Surveyor for Neglect of Duty.

IF any ſurveyor, after his acceptance of the office, ſhall neglect his duty in any thing required of him, for which no particular penalty is impoſed, he ſhall forfeit not exceeding 5l. nor leſs than 10s. at the diſcretion of the juſtice or juſtices having juriſdiction therein. *Id.* Penalty from 10s. to 5l.

Surveyor's Account.

THE ſurveyor ſhall produce the book and the aſſeſſments made in that year, to the inhabitants, at a veſtry or other public meeting to be held for that purpoſe, within fifteen days before the ſpecial ſeſſions to be holden in the week next after Michaelmas quarter-ſeſſions; to the intent that the ſaid accounts, aſſeſſments, and liſts, may be inſpected by the ſaid inhabitants. And after the ſaid book and aſſeſſments ſhall have been produced at ſuch meeting, he ſhall take the ſame to a juſtice on ſuch day and at ſuch hour as ſhall be agreed upon at ſuch meeting before ſuch laſt mentioned ſpecial ſeſſions; and then and there verify ſuch account, or any part thereof, upon oath, if required. And ſuch juſtice may allow ſuch account, if he finds it juſt, or poſtpone it until ſuch ſpecial ſeſſions, if *Id.* Produced at veſtry. Verified before a juſtice. Allowed or poſtponed.

Diſallowed, if not approved.

he finds cauſe for ſo doing; and in caſe any articles contained in ſuch accounts ſhall not be explained and proved to the ſatisfaction of ſuch juſtices, they may diſallow the ſame.

13 G. 3. c. 78.

And, for the account examined and taken, and oath adminiſtered, the juſtices' clerks ſhall have the ſum of 1s. and no more. And when the ſaid accounts ſhall have been ſo ſettled and allowed, or diſallowed as aforeſaid, the ſaid book and aſſeſſments ſhall be tranſmitted to a churchwarden or overſeer of the poor of ſuch pariſh, townſhip, or place; or if the place be extra-parochial, then to ſome principal inhabitant thereof, to be kept for the uſe of ſuch pariſh, townſhip, or place: And the ſaid ſurveyor ſhall alſo forthwith deliver a duplicate of ſuch book and account, together with all ſums of money that ſhall remain in his hands, and likewiſe all tools, materials, implements, and other things as aforeſaid, to the ſucceeding ſurveyor, if any ſhall be appointed; or retain the ſame in his hands, and account for them in his next account, if he ſhall be continued ſurveyor in the ſucceeding year.

Books delivered up,

with tools, &c.

Id.

And if ſuch ſurveyor ſhall neglect to provide ſuch book, or to enter ſuch accounts and liſts therein, or to deliver the ſaid book and ſuch duplicate thereof, and ſuch aſſeſſments, tolls, materials, implements, and other things, in manner aforeſaid, he ſhall forfeit not exceeding 5l. nor leſs than 40s. And if he ſhall make default in payment, or accounting for the money remaining in his hands, within the time, and according to the directions aforeſaid, he ſhall forfeit double the money which ſhall be adjudged by the ſaid juſtices to be in his hands. If the ſurveyor ſhall die, before ſuch accounts or liſts be made out, or ſuch money, book, aſſeſſments, tools, materials, and implements, ſhall be ſo delivered and paid, his executors or adminiſtrators ſhall make out, pay, and deliver the ſame, in like manner, and under the like penalty, as the ſurveyor was liable and ſubject to.

Surveyor's neglect.

Surveyor dying.

Preſentment or Indictment of Highways in general.

Id.

IF the inhabitants of any pariſh, townſhip, or place, ſhall agree, at a veſtry or other public meeting, to proſecute any perſon by indictment for not repairing any highway within ſuch pariſh, townſhip, or place, which they apprehend ſuch perſon was obliged to by law, or for committing any nuiſance upon any highway, or ſhall agree, at ſuch veſtry-meeting, to defend any indictment or preſentment againſt them, the ſurveyor may charge in his account the reaſonable expences thereof, after the ſame ſhall have been agreed to by ſuch inhabitants at a veſtry or public meeting, or allowed by a juſtice within the limit where ſuch highway ſhall be.

Expence to be charged by ſurveyor.

Preſentment

Preſentment by a Juſtice.

EVERY juſtice of the peace, either upon his own view or upon information on oath given to him by the ſurveyor, may make preſentment at their reſpective aſſizes or great ſeſſions, or in the open general quarter-ſeſſions of the peace, of any highway, cauſeway, or bridge, not well and ſufficiently repaired and amended, or of any other default or offence committed and done contrary to the proviſion and intent of this ſtatute: And every ſuch preſentment ſhall be as effectual as if found by the oaths of twelve men: And the juſtices, at their general quarter-ſeſſions, or the major part of them, may, if they ſee juſt cauſe, direct the proſecution on ſuch preſentment as ſhall be made at the quarter-ſeſſions, to be carried on at the general expence of ſuch limit, and to be paid out of the general rates within the ſame: And for every ſuch default ſo preſented, the juſtices of aſſize, counties palatine, and great ſeſſions, and juſtices of the peace, at their reſpective courts, may aſſeſs ſuch fines as they ſhall think meet.

23 G. 3. c. 78.
Upon view or information.

Expence, how paid.

Levying of Aſſeſſments, Fines, and Forfeitures.

IF any perſon ſhall refuſe or neglect to pay the ſum aſſeſſed upon him by any aſſeſſment in purſuance of this act, within ten days after demand thereof made, the ſame ſhall be levied by the ſurveyor or any other perſon, by warrant of one juſtice, by* diſtreſs; and, in default of diſtreſs, the juſtice may commit him to the common gaol, there to remain until he ſhall have paid the ſum ſo aſſeſſed, and the coſts and charges occaſioned by ſuch neglect or refuſal. And if any fine, iſſue, penalty, or forfeiture, for not repairing the highways, or not appearing as aforeſaid, ſhall be levied on one or more of the inhabitants, ſuch inhabitant may make his complaint to the ſpecial ſeſſions; and the juſtices there ſhall, by their warrant, cauſe a rate to be made according to the form and manner herein before preſcribed for reimburſing ſuch inhabitant.—Which rate ſo made, and confirmed by two juſtices, ſhall be collected and levied by the ſurveyor; who ſhall, within one month after making and confirming the rate, collect, levy, and pay ſuch inhabitant the money ſo levied as aforeſaid.

Id.
Fines, how levied.

Inhabitant may complain.

All penalties and forfeitures by this act impoſed, for any offence againſt the ſame, and all coſts and charges to be allowed and ordered by the authority of this act (the manner of levying and recovering whereof is not hereby otherwiſe particularly directed) ſhall be levied by diſtreſs, by warrant of one

Id.

Penalty levied by diſtreſs.

* See Appendix, No. 35, 36, and 37.

Juſtice

One juſtice. Application of penalty.

juſtice, where the offence, neglect, or default ſhall happen, which warrant ſuch juſtice ſhall grant, on conviction of the offender by confeſſion, or the oath of one witneſs, or upon order made as aforeſaid. And the penalty, when levied, ſhall be paid half to the informer, and half to the ſurveyor, for the repair of the highways, unleſs otherwiſe directed by this act.—But if the ſurveyor ſhall be the informer, then the whole ſhall be employed towards the repair of the highway. And if ſuch diſtreſs cannot be found, and ſuch penalties and forfeitures or the ſaid coſts and charges ſhall not be forthwith paid, the juſtice may commit him to the common gaol or houſe of correction, for any time not exceeding three months, unleſs the penalty, forfeiture, coſts, and charges, be ſooner paid.

23 G. 3. c. 78.

And if the offender live out of the juriſdiction of the ſaid juſtice, any juſtice of the limit where ſuch perſon ſhall inhabit, on requeſt to him made, and on a true copy of the conviction, and of the order for payment of ſuch coſts and charges being produced, and proved before him by one witneſs upon oath, ſhall, by his warrant, cauſe the penalty or forfeiture mentioned in ſuch conviction, and the coſts and charges mentioned in ſuch order, or ſo much thereof as ſhall not have been paid, to be levied by diſtreſs; and if no ſufficient diſtreſs can be had, ſhall commit him to the common gaol or houſe of correction of ſuch limit, for the time and in the manner aforeſaid. No conviction ſhall be had, unleſs upon confeſſion, or oath of one witneſs, or view of the juſtice. Any juſtice may adminiſter an oath to any witneſs or other perſon, for the better diſcovery and execution of the ſeveral matters or things herein directed to be enquired into and performed.

Coſts and charges, how and where paid.

Appeal.

Id. Power of appeal,

IF any perſon ſhall think himſelf aggrieved by any thing done by any juſtice or other perſon in the execution of this act, and for which no particular method of relief is herein otherwiſe appointed, he may appeal to the general quarter-ſeſſions, giving notice in writing of his intention to bring ſuch appeal, and of the matter thereof, to the juſtice or other perſon againſt whom the complaint ſhall be made, within ſix days after the cauſe of ſuch complaint ſhall ariſe; and within four days after ſuch notice, entering into recognizance before a juſtice, with one ſufficient ſurety, conditioned to try ſuch appeal, and abide the order of, and pay ſuch coſts as ſhall be awarded by, the juſtices at ſuch quarter-ſeſſions. And the juſtices, at ſuch ſeſſions, on proof of ſuch notice given, and of the entering into ſuch recognizance, ſhall determine the appeal in a ſummary way, and award coſts to either party, to be levied and recovered as herein before directed.

on due notice, and entering into recognizance.

NO gate-keeper, or other perſon renting the tolls, and reſiding in the toll-houſe, ſhall be removable by any order of two juſtices, as to his ſettlement, unleſs he ſhall be actually chargeable; nor ſhall he gain a ſettlement by ſuch renting and reſidence in the pariſh or place where the toll-houſe is ſituate: And no tolls or toll-houſe ſhall be aſſeſſed towards the poor rate, or any other public or parochial levy. And the gate-keeper, and alſo the ſurveyor, ſhall, when required by notice in writing from the truſtees, or any five of them, render upon oath, to be adminiſtered by a truſtee, an account in writing of all money received by them on account of the road, and not before accounted for; on pain of 5l. to be recovered in a ſummary way before one juſtice, and applied to the uſe of the road. 13 *G.* 3. *c.* 84. Gatekeeper's removal does not gain a ſettlement. Account on oath.

And if the wife or family of a gate-keeper who ſhall die, ſhall refuſe to deliver up poſſeſſion within four days after another ſhall be appointed, or if a gate-keeper ſhall be diſcharged from his office, and ſhall refuſe to deliver up poſſeſſion within two days notice given to him of his diſcharge, one juſtice may, by his warrant, order the conſtable, with ſuch aſſiſtance as ſhall be neceſſary, to enter the houſe and premiſes in the day time, and remove the perſons who ſhall be found therein, together with their goods, out of ſuch houſe, and put the new appointed officer in poſſeſſion. Every conſtable refuſing or neglecting to put this act in execution, and every ſurveyor, toll-taker, &c. that ſhall neglect, for the ſpace of one week after an offence committed, to lay ſuch information on oath before a juſtice, as by this act is directed, ſhall forfeit 10l. *Id.* Refuſing to give poſſeſſion. Conſtable's neglect.

And the juſtices in ſeſſions, on complaint to them made, by any juſtice or two creditors or truſtees, may cauſe weighing engines to be erected, and the expences thereof to be paid out of the tolls. 13 *G.* 3. *c.* 84. Weighing engine.

The owner of every waggon, cart, or carriage, having a greater number of horſes than are allowed by this act, ſhall forfeit 5l.; and the driver thereof, not being the owner, ſhall forfeit the ſum of 20s. Owner's penalty. Driver's penalty.

In caſe any perſon or perſons ſhall, upon any turnpike road, drive or act as the driver of any waggon, &c. drawn by more than the number of horſes hereby authorized, it ſhall and may be lawful for any conſtable, or any other perſon, to apprehend and take, or cauſe to be apprehended and taken, ſuch perſon or perſons ſo driving or acting as driver or drivers, before one or more juſtice or juſtices of the peace, &c.; and upon conviction thereof, by confeſſion, or the oath of one witneſs, every *Id.* Proceeding againſt offenders.

N. B. Doubts has ariſen, whether *both* the owner and driver are puniſhable by this clauſe; both certainly according to the letter: But it is poſſible that one only may be to blame; the owner, by ſuffering the carriage to ſet out from home illegally drawn; the driver, by unlawfully adding a horſe to the allowed number in paſſing on the road.

perſon

perſon ſo offending ſhall forfeit and pay, for every ſuch offenc a ſum not exceeding 5l. nor leſs than 10s. at the diſcretion the juſtice or juſtices, to him that ſhall ſue for the ſame.

13 G. 3. c. 84. Limitation of time.

No proſecution ſhall be commenced before a juſtice by w of information, for any forfeiture incurred by the owner driver of any carriage having a greater number of horſes ther in than are allowed by this act, unleſs ſuch information be la within three days after the offence committed; and no actio ſhall be commenced, unleſs within one calendar month aft the offence committed; and neither ſuch information n action ſhall be brought, unleſs notice be given by the informe to the driver, on the day on which the offence ſhall be com mitted, of an intention to complain of ſuch offence. And it ſhall appear to the juſtice before whom ſuch complaint ſha be made, that the offender lives ſo remote as to make it in convenient to ſummon him, the juſtice may diſmiſs the com plaint, and leave the informer to his remedy by action at law

Penalty of evading Tolls.

Id. Unloading goods.

IF any perſon ſhall unload any goods before they come t the turnpike-gate or engine, and thereby pay leſs toll at ſuch gate, than would have been paid if ſuch goods had not bee ſo unloaden, he ſhall, on conviction before one juſtice, on th oath of one witneſs, forfeit 5l. to be levied upon the goods o the owner; and the driver, not being the owner, ſo offending and being convicted thereof as aforeſaid, ſhall be committed t the houſe of correction for the ſpace of one month. If th owner or driver ſhall turn out of the road, in order to avoi weighing or paying the toll, and ſhall afterwards return an proceed upon the road, he ſhall, on conviction before one juſ tice, by the oath of one witneſs, forfeit, if he be the owner not exceeding 5l. nor leſs than 20s.; if he be the driver, and not the owner, any ſum not exceeding 50s. nor leſs than 10s.

Penalty.

Turning out of the road.

Id. Taking off horſe, &c.

If any perſon ſhall take off any horſe or other beaſt o draught from any waggon or other carriage, or cauſe the diſ tance of the wheels to be altered before the ſame ſhall come to the gate, with intention to avoid the toll, or any forfeiture or penalty, he ſhall, on conviction before one juſtice, on the oath of one witneſs, forfeit 5l.

N. B. If the farmer of the tolls ſhall take more or leſs toll than he ought, he ſhall forfeit 5l. and alſo the contract, if required; and every other gate-keeper, who ſhall take a greater or leſs toll than he ought, ſhall forfeit 40s.

Carriages to be marked. See p. 156.

IF any perſon ſhall, upon any turnpike road, drive any waggon, wain, cart, or carriage, not being marked as aforeſaid, the conſtable, ſurveyor, or any other perſon, may apprehend and carry him before a juſtice, and, on conviction, by confeſſion or oath of one witneſs, he ſhall forfeit not exceeding 5l. nor leſs than 10s. 13 *G.* 3. *c.* 84. Penalty for not marking.

Driver miſbehaving. See Highways in general, p. 155.

Statute Duty and other Labour on Turnpike Roads, p. 150.

WHERE there are two or more turnpike roads under ſeveral acts of parliament, within the ſame pariſh, townſhip, or place, and the ſtatute duty directed by all ſuch acts for the repair of ſuch turnpike road, ſhall exceed three days duty in the whole, two juſtices, in a ſpecial ſeſſions, may proportion the ſtatute duty betwixt ſuch turnpike roads and the other highways in ſuch pariſh, townſhip, or place, in ſuch manner as they ſhall think fit, having firſt ſummoned the clerks and ſurveyors of the turnpike roads, and likewiſe the ſurveyor of the highway for ſuch pariſh, townſhip, or place. Where parts of highways or turnpike roads are turned, by legal authority, to make the ſame nearer or more commodious, the inhabitants or other perſons, who were liable to the repair of the old highway, ſhall be liable to the repair of the new: And if the ſeveral parties intereſted cannot agree, the ſame ſhall be viewed by two juſtices, and ſettled by them: And if it ſhall be found more convenient to fix a groſs ſum, or annual ſum, to be paid by the inhabitants or other ſuch perſons, towards the repair of the new highway, the juſtices may, with the conſent of ſuch perſon or perſons, and of the inhabitants, obtained at a veſtry meeting for that purpoſe, and alſo of the truſtees at a public meeting, if it be turnpike road, order and direct the ſame accordingly. Juſtices may ſettle the proportion of duty.

Where any turnpike road is in ſuch a ſtate and condition, that the ſtatute duty required to be performed upon the ſame, or ſome part thereof, may be diſpenſed with, the juſtices, at a ſpecial ſeſſions, upon application to them made by the ſurveyor of ſuch pariſh, townſhip, or place, may ſummon the clerk or ſurveyor of the turnpike road to appear before them at ſome other ſpecial ſeſſions, and produce before them a ſtate of the revenues and debts belonging to ſuch turnpike road: And if it *Id.* Statute duty may be withdrawn.

ſhall appear to them, that the whole or any part of the ſtatute duty may conveniently be diſpenſed with from ſuch turnpike road, without endangering the ſecurities for the money advanced on the credit of the tolls, they may order the whole or part of ſuch ſtatute duty to be performed upon the highways, not being turnpike, within ſuch diſtrict, during ſuch time as to them ſhall ſeem juſt and reaſonable.

13 G. 3. c. 84. Nuiſances on road not to remain.

If the ſurveyor of any turnpike road ſhall ſuffer to remain for the ſpace of four days, in any part thereof, within ten feet on either ſide of the middle of the road, any poſt, heap of ſtones, rubbiſh, or earth, by which the paſſage thereof may be obſtructed or ſtraitened, he ſhall forfeit 40s. If any perſon ſhall encroach, by cauſing to be made any hedge, ditch, or other fence, on any turnpike road, within thirty feet from the middle thereof, or ſhall plough, harrow, or break up the ſoil of any ground, or in ploughing or harrowing the adjacent lands, ſhall turn his plough or harrow on any ground within the diſtance of fifteen feet from the middle thereof as aforeſaid, he ſhall forfeit 40s. to him who ſhall make information thereof: And one juſtice, on proof thereof upon oath, may levy as well the expences of taking down ſuch hedges as aforeſaid, as the ſeveral penalties hereby impoſed, by diſtreſs. If the truſtees ſhall erect a gate where they have no power, the juſtices in ſeſſions, upon complaint, may hear and determine the ſame in a ſummary way, and order the ſheriff to remove it.

Encroachments not to be ſuffered.

Removal of gate.

Id. Mile ſtone, &c. defaced.

If any perſon ſhall wilfully or wantonly pull down, obliterate, or deface any mile ſtone or poſt, he ſhall, on conviction before one juſtice, upon view, or by the oath of one witneſs, forfeit not exceeding 5l. nor leſs than 10s. and, in default of payment, ſhall be committed to the houſe of correction, to be whipped and kept to hard labour, not exceeding one calendar month, nor leſs than ſeven days, unleſs the ſame be ſooner paid.

Id. Mortgagee taking poſſeſſion of gate.

Every mortgagee, that ſhall have taken poſſeſſion of the toll-gate or bar, ſhall, within fourteen days after notice given to him in writing from the truſtees, or any five of them, render upon oath, to be adminiſtered by any truſtee, an exact account in writing of all money received by him, or by any other to his uſe, at ſuch toll gate or otherwiſe, and what he hath expended in keeping or repairing the ſame; and if he ſhall neglect to render ſuch account, he ſhall, on conviction in a ſummary manner, before one juſtice, forfeit, for every omiſſion, the ſum of 10l. to the uſe of the road.

Id. Reſiſting toll gatherers.

If any perſon ſhall reſiſt, or make forcible oppoſition againſt any perſon employed in the due execution of this act, or of any particular turnpike act; or ſhall paſs through, without paying the toll appointed to be paid; or if the conſtable ſhall refuſe or neglect to execute any juſtice's warrant, he ſhall forfeit not exceeding 10l. nor leſs than 40s. to be paid to the ſurveyor, for the uſe of the turnpike road; and if not forthwith paid

paid or ſecured, he ſhall be committed to the common gaol or houſe of correction for any time not exceeding three months, unleſs the forfeiture ſhall be ſooner paid.

All penalties and forfeitures by this act impoſed, and all coſts and charges to be allowed and ordered, by authority of the ſame, the manner of levying and recovering whereof is not hereby otherwiſe particularly directed, ſhall be levied by diſtreſs and ſale of the goods of the offender, or of the perſon ordered to pay the ſaid coſts reſpectively, by warrant of one juſtice, on conviction of the offender by confeſſion or oath of one witneſs, or upon ſuch order made as aforeſaid: The ſame to be paid half to the informer, and half to the ſurveyor for the uſe of the turnpike road, unleſs otherwiſe particularly directed. And in caſe ſuch diſtreſs cannot be found, ſuch juſtice ſhall commit the offender to the common gaol or houſe of correction, for any time not exceeding three months, unleſs the ſaid penalty, forfeiture, coſts, or charges, ſhall reſpectively be ſooner paid. 13 G. 3. c. 84. Penalties by diſtreſs.

And any juſtice may act in the execution hereof, notwithſtanding he may be a creditor or truſtee. *Id.* Juſtice, though a truſtee, may act.

And if the offender live out of the juriſdiction of the juſtice, any juſtice of the limit, where the ſaid perſon ſhall inhabit, ſhall, on requeſt to him made, and a true copy of the conviction for the penalty or forfeiture, or of the order for the payment of coſts or charges, being produced and proved before him upon oath, cauſe the ſaid penalty or forfeiture, or the ſaid coſts or charges, to be levied by diſtreſs; and, if no ſufficient diſtreſs can be had, ſhall commit ſuch perſon to the common gaol or houſe of correction of ſuch limit, for the time and in the manner aforeſaid. *Id.* Juſtice of the limit may diſtrain.

Every proſecutor or informer may, at his option, ſue for and recover any forfeiture or penalty impoſed by this or any other act for erecting turnpikes or repairing turnpike roads, in manner following, viz. if the ſame ſhall not amount to 40s. it ſhall be recoverable only by information before a juſtice; and if it ſhall amount to 40s. or upwards, it may be recovered either before a juſtice as aforeſaid, or by action of debt in any of his majeſty's courts. Provided, that ten days notice in writing be given to the party offending, previous to the commencement of the action; and that the ſame be brought within one calendar month after the offence committed. How penalty is recoverable.

If any perſon ſhall think himſelf aggrieved by any thing done by any juſtice in purſuance of this act, except under particular circumſtances, for which no particular method of relief is herein otherwiſe appointed, he may appeal to the general quarter-ſeſſions. And the juſtice, having received notice of ſuch appeal, ſhall return all proceedings before him touching the matter of ſuch appeal, to the ſaid ſeſſions, on Power of appeal.

pain of 5l. And the juſtices, at ſuch ſeſſions, on proof of the notice given, and of the entering into recognizance, ſhall hear and determine the appeal in a ſummary way, and award coſts to either party as they ſhall ſee cauſe, to be levied and recovered as herein before directed.

Highwaymen. See Robbery.

Homicide.

1 *Haw.* 66. HOMICIDE in law ſignifies the killing of a man by a man.

Manſlaughter.

Haw. 66. Manſlaughter defined. BY manſlaughter is to be underſtood ſuch killing of a man as happens either on a ſudden quarrel, or in the commiſſion of an unlawful act, without any deliberate intention of doing any miſchief at all.

3 *Inſt.* 55. There is this difference between murder and manſlaughter; viz. that murder is upon malice forethought, and manſlaughter upon a ſudden occaſion.

3 *Ed.* 1 *c.* 15. Not bailable. This offence is not bailable by the juſtices of the peace.

Murder deſcribed. Murder is, when a man of ſound memory, and of the age of diſcretion, unlawfully killeth any perſon under the king's peace, with malice forethought, either expreſſed by the party, or implied by law; ſo as the party wounded or hurt die of the wound or hurt, within a year and a day.

1 *Haw.* 82. Duelling. The law ſo far abhors all duelling in cold blood, that not only the principal who actually kills the other, but alſo his ſeconds, are guilty of murder, whether they fought or not. And it is holden, that the ſeconds of the party ſlain are likewiſe guilty as acceſſaries.

3 *Inſt.* 53. Perſons preſent, how puniſhable. They that are preſent when any man is ſlain, and do not their beſt endeavour to apprehend the murderer or manſlayer, ſhall be fined and impriſoned.

2 & 3 *Ed.* 6. *c.* 24. Offender, where indictable. Where any perſon ſhall be feloniouſly ſtricken or poiſoned in one county, and die in another county, the offender may be indicted in the county where the party dies, before the coroner, juſtices of the peace, or other juſtices.

13 & 14 *C.* *c.* 4. Interment of ſelf-murderers. By the rubrick in the book of common prayer, before the burial office, a perſon who hath laid violent hands upon himſelf, ſhall not have that office uſed at his interment.

N. B. No diſtinction ſeems to be here made as to the ſtate of mind in which the party put an end to his life; the prohibition in the rubrick, with reſpect to the burial ſervice, is abſolute.

FROM and after Sept. 29, 1784, every perſon who ſhall keep any horſe, mare, or gelding, for riding, or for drawing any coach, chaiſe, &c. liable to pay duty under the management of the commiſſioners of exciſe, ſhall pay annually 10s. on pain of 20l. for neglecting to make entry thereof in ten days. 24 G. 3. ſeſſ. 2. c. 31. Horſe duty

And for every horſe, &c. previous to its being entered to run for any plate, or ſum of money, the further ſum of two guineas; on a penalty, for neglect, of 20l. to be paid to the clerk of the courſe, or other perſon authorized to make the entry. Id. Race horſes.

Every dealer in horſes within the cities of London and Weſtminſter, the bills of mortality, or the borough of Southwark, ſhall take out a licence, and ſhall annually pay for it 10l.; if without thoſe limits, 5l. Such duties are to be under the commiſſioners of the ſtamp duties; who are appointed, any two or more of them, to grant ſuch licences; to be renewed ten days at leaſt before the expiration of the year for which the preceding licence ſhall have been granted. Id. Licence to dealers.

All perſons *licenſed to deal in horſes*, ſhall have thoſe words legibly written on ſome viſible place in the front of their houſes or ſtables, &c. on a penalty of 5l. for neglecting to do it. Id. Written on door.

No perſon ſhall be compelled to travel further than to the next market town to make entry, or give freſh notice, or to pay ſuch duties as aforeſaid, which muſt be done within twenty days after the expiration of twelve calendar months, after giving the former notice. Id. Duties, where payable.

Liſts of perſons liable to pay duties on windows, with the number of their windows, ſhall be delivered by the pariſh collectors of window duties to the diſtributors of ſtamps, on a penalty, for neglect, of 5l.; the collectors to be paid 2s. for every hundred names, and ſo in proportion for any leſs number. Id. Liſts, how obtained.

The head diſtributor ſhall demand the duty of any perſon whoſe name is contained in ſuch liſts, and who ſhall not have regiſtered any horſe, &c. liable to the above duties. Id. Who demands duty.

This act ſhall not extend to the horſes of ſoldiers, or non-commiſſioned officers in any of his Majeſty's regiments of cavalry, nor of licenſed dealers, kept for ſale, and not for hire, nor to any horſes, &c. let for travelling poſt, or to hire for a day, &c. by any licenſed poſt-maſter or inn-keeper. Id. Soldiers' horſes exempt. Poſt horſes, &c. exempt.

All horſes uſed for riding, or in drawing any carriage ſubject to any exciſe duty, ſhall be liable to the ſaid duty of 10s. annually. 25 G. 3. c. 47. Saddle and carriage horſes liable.

But, upon any appeal to the commiſſioners, from the aſſeſſment for any horſe, and, upon proof on oath, to the ſatisfaction of the commiſſioners, that ſuch horſe, for which any perſon occupying a farm not worth more than 150l. per annum ſhall Id.

Not farming horſe.

ſhall have been ſo aſſeſſed, has been only uſed for the purpoſe of riding to and from market, or church, or other place of public worſhip, and no other place, or for no other purpoſe of riding, the commiſſioners may make an abatement of the whole duty from the charge againſt the perſon to whom ſuch horſe ſhall belong.

25 G. 3. c. 47. Penalties, how recovered,

All penalties impoſed by this act, not exceeding 20l. ſhall be recoverable before two juſtices, and may be levied by diſtreſs, and for want of diſtreſs, the offender may be committed to the county priſon, for not more than ſix months, nor leſs than one: One moiety of the penalty to his majeſty, the other

and applied.

to the informer proſecuting for the ſame, within one year after the offence committed.

26 G. 3. c. 79. Horſe uſed only for huſbandry or trade.

No perſon keeping a horſe, mare, or gelding, which ſhall be uſed really and truly for huſbandry, or drawing any carriage (except ſuch as was heretofore liable to an exciſe duty), or carrying burthens in the courſe of the trade or occupation of the owners, ſhall be chargeable with the duty of 10s. per annum: If ſuch horſe, &c. be only uſed for riding in its return from carrying ſuch burthen, or to fetch ſuch burthen, or to market, to a place of public worſhip, to an election of members to ſerve in parliament, or to or from a court of juſtice or meeting of commiſſioners of taxes.

Id. Poor man's horſe.

Where the owners are, through poverty, excuſed parochial taxes, their horſe is alſo exempted from the tax.

Id.

Such perſons as by the former act were allowed one horſe for riding, they renting a farm worth no more than 150l. per annum, are no longer excuſed the tax: That indulgence is, by this act, confined to occupiers of farms leſs than 70l. per annum, provided ſuch horſe, &c. is uſually kept for the purpoſe of huſbandry.

Only ſmall farmer's horſes exempt.

24 G. 3. ſeſſ. 2. c. 31. Stamp office liſt.

The ſtamp officers ſhall affix on the church doors, within thirty days after the payment of ſuch duties, the names of the perſons, and the number of the horſes ſo paid for; and the times when the ſame were paid: And any perſon defacing ſuch liſt, ſhall forfeit 40s.

Id. Duplicate of entry.

Where perſons have more than one place of reſidence, a duplicate of ſuch entry, mentioning at the foot of it the time of the original entry, ſhall be delivered to the ſtamp officer of the next market town, on pain (for neglect) of 40s.

24 G. 3. ſeſſ. 2. c. 31. Penalties, how applied.

The penalties to be divided, one moiety to his majeſty, his majeſty, his heirs and ſucceſſors, and the other, with full coſts, to him who ſhall inform and ſue for the ſame.

Id. Juſtice's proceſs.

Any juſtices reſiding near, may hear and determine offences againſt this act; may ſummon the party accuſed, and alſo witneſſes, on either ſide, and examine into the matter of fact; and on due proof, by confeſſion of the party, or the oath of one or more credible witneſs or witneſſes, may give judgment, as the act directs, and levy penalties by diſtreſs, if not otherwiſe paid, to be ſold if not redeemed within ſix days, rendering the over-

plus,

plus, if any, to the party; or commit the offender, on failure of diſtreſs, for three months, or till the penalty ſhall be paid.

Perſons aggrieved may appeal to the next general quarter-ſeſſions; who ſhall finally hear and determine the ſame.

If any perſons, who ſhall be ſummoned to appear as witneſſes, ſhall refuſe or neglect to appear, they ſhall forfeit 40s.

The juſtice may mitigate the penalties, where he ſhall ſee cauſe, to one moiety, over and above all coſts and charges.

This act is in part repealed, but the duties on horſes continue the ſame: The execution of the act being transferred to the commiſſioners of the duties on houſes and windows, by 25 *G.* 3, *c.* 47.

24 *G.* 3. *ſeſſ.* 2. *c.* 31.
Power of appeal.
Id.
Witneſſes refuſing.
Id.
Mitigation of penalty.
Partly repealed.

Buying of ſtolen Horſes.

EVERY perſon offending againſt this ſtatute, ſhall forfeit 5l. half to the king, and half to him that ſhall ſue before the juſtices in ſeſſions, or in any ordinary court of record, and the ſale ſhall be void.

If any horſe ſhall be ſtolen, and afterwards ſhall be ſold in open fair or market, if claim be made in ſix months, where the horſe ſhall be found, before the mayor, if in a town corporate, or elſe before a juſtice near the place where found, and ſo as proof be made before ſuch magiſtrate in forty days next enſuing, by two witneſſes, that the property of ſuch horſe was in the party claiming, and was ſtolen from him within ſix months next before ſuch claim, ſuch ſale ſhall not take away the owner's property; but the party from whom the ſame was ſtolen may *at all times after*, notwithſtanding ſuch ſale, take again the ſaid horſe, on payment or readineſs to offer to the party who hath poſſeſſion, ſo much as he ſhall ſwear before ſuch magiſtrate, that he paid for the ſame.

2 & 3 *P.* & *M.* *c.* 7.
31 *Eliz.* *c.* 12.
How puniſhed.
Id.
Time of claim limited.
At all times on payment.

Killing or maiming Horſes in the Night.

WHERE any perſon ſhall, in the night-time, maliciouſly kill or deſtroy any horſes, he ſhall be guilty of felony, and may be tranſported, by three juſtices in ſeſſions, for ſeven years. If any perſon ſhall, in the night-time, maliciouſly wound or hurt any horſes, he ſhall forfeit to the party aggrieved treble damages, to be recovered by action at law, or before three juſtices.

22 & 23 *C.* 2. *c.* 7.
Felony.
Tranſportation.
Treble damages for wounding.

Horſes'

Horſes' and Carriages' additional Duty.

29 G. 3. c. 9.

FROM July 5, 1789, the following additional duties o horſes and carriages are to be paid, viz.

For two horſes.] Where two horſes are kept for riding, or for drawing an coach, chaiſe, or other carriage, in reſpect whereof any dut now transferred to the management of the commiſſioners fo taxes is payable, there ſhall be charged an additional annua duty of 5s. for one of ſuch horſes, mares, or geldings.

From three to five. Every perſon who ſhall keep and uſe three, four, or fiv horſes, mares, or geldings, and no more, for the purpoſe o riding, or drawing ſuch coach, chaiſe, or other carriage, ſha be charged with an additional duty of 7s. 6d. for each ſuc horſe, mare, or gelding, exceeding the number of one.

For ſix or more. Every perſon who ſhall keep and uſe ſix or more horſes mares, or geldings, for the purpoſe of riding, or for the pur poſe of drawing any ſuch coach, or other carriage, ſhall b charged with and pay an additional annual duty of 10s. fo each ſuch horſe, mare, or gelding, exceeding the number o one.

One carriage, with four wheels. Every perſon who ſhall keep one coach, chariot, calaſh, chaiſe-marine, chaiſe with four wheels, or caravan, for his o her own uſe, or to let out to hire, other than and except ſuch carriages as are licenſed by his majeſty's commiſſioners for ma naging the duties on hackney-coaches, ſhall be charged with and pay an additional yearly ſum of 20s. in reſpect of ſuch one coach or carriage as aforeſaid.

29 G. 3. c. 49. Two ſuch carriages. Every perſon who ſhall keep *two* coaches, chaiſes with four wheels, or caravans, under the above circumſtances, ſhall be charged with and pay an additional duty of 20s. for one of ſuch carriages, and an additional yearly ſum of 2l. for every other of ſuch carriages.

Three or more. Every ſuch perſon who ſhall keep *three* or more coaches, chariots, chaiſes with four wheels, or caravans, or three or more of any ſuch carriages, for his or her own uſe, or to let out to hire, other than and except ſuch as are before excepted, ſhall be charged with and pay an additional yearly ſum of 20s. for one of ſuch carriages, and an additional yearly ſum of 3l. for every other of ſuch carriages.

In addition to former duties. The ſaid ſeveral yearly ſums ſhall be paid over and above, and in addition to any former duty charged upon horſes and carriages, and now placed under the management of the commiſſioners for the affairs of taxes. No duty impoſed by this act ſhall extend to horſes exempted from duty by 24 G. 3, c. 31, or any ſubſequent act.

To be paid by the hirer. The duties impoſed by 24 G. 3, and by this act, on horſes let out by the year, month, or other period, for drawing coaches, &c. ſhall be paid by the perſon or perſons reſpectively by whom ſuch horſes ſhall be hired and uſed.

The

These additional duties are not to extend to carriages let out to travel poſt, by any perſon licenſed to let poſt horſes. 29 G. 3. c. 49. Licenſed poſt horſes not included.

From July 5, 1789, no licence is to be granted to exerciſe the buſineſs of a horſe dealer, unleſs the perſon ſhall produce to the commiſſioners, or the perſon authorized by them, a declaration in writing, ſigned by him, that he ſeeks his living by buying and ſelling of horſes, and ſhall ſet forth the place where ſuch trade and buſineſs is to be carried on; and every licence granted, or to be granted, to any perſon other than to ſuch as ſhall ſeek his living by buying and ſelling horſes, ſhall be wholly void. Reſtriction of horſe-dealer's licence.

If horſe-dealers keep horſes for riding or drawing, and neglect to give in a liſt thereof, the aſſeſſors may charge the duty for ſuch number, as from information they learn are ſo kept; notwithſtanding the licence to them granted, or any thing in this or the ſaid recited acts contained to the contrary thereof. Aſſeſſors to charge the duty of horſes uſed by dealers.

The ſeveral duties are to be paid quarterly, the firſt payment on October 10, 1789. Duties, when payable.

The duties are to be paid into the Exchequer, and carried to the conſolidated fund. How applied.

The new duties charged by this act on horſes and on carriages ſhall be aſſeſſed, raiſed, levied, collected, and received by ſuch perſons, in ſuch and the like form and manner, and with ſuch allowances, and under ſuch penalties, forfeitures, and diſabilities, and with ſuch power for recovering and enforcing the ſame, and according to ſuch rules, methods, and directions, as are preſcribed or appointed for aſſeſſing, raiſing, levying, collecting, recovering, and paying, the former duties on horſes and carriages reſpectively, by the act of 25 G. 3. c. 47, or by any other act or acts therein recited or referred to, or by any other law now in force relating to his majeſty's revenues upon houſes, windows, and lights, or either of them; and all the powers, authorities, rules, and directions, penalties, forfeitures, &c. now in force, contained in the ſaid act of 25 G. 3. c. 47, relative to the duties on horſes and carriages, or either of them, or in any ſubſequent act relating thereto, for aſſeſſing, raiſing, levying, and paying, the rates and duties by the ſaid acts, ſhall be in full force, for aſſeſſing, collecting, and paying, the duties by this act directed. Duties raiſed as heretofore.

The commiſſioners for putting in execution the act of 25 G. 3. c. 47, are to put this in execution, and to hold their firſt meeting on July 10, 1789; and afterwards in like manner to meet yearly at ſuch days or times as the ſaid commiſſioners ſhall think proper to appoint, before the 30th of April yearly, and ſhall then divide themſelves to act in ſeparate diſtricts, and proceed in the execution of this act. Commiſſioners as before.

If, by any neglect or default, there ſhall not have been a meeting of the commiſſioners, and a due execution of the ſeveral powers by this or the ſaid act of 25 G. 3. c. 47, at the time preſcribed, they may meet at any other time or times as Where not a ſufficient meeting.

29 G. 3. c. 49. there ſhall be occaſion; and all ſuch meetings and acts of the ſaid commiſſioners, or any two or more of them, ſhall be deemed good and valid, to all intents and purpoſes, notwithſtanding any ſuch omiſſion or defect as aforeſaid.

No commiſſioner to act till he has taken the following oath; on pain of forfeiting 100l.

Commiſſioner's oath.

I, A. B. do ſwear, that I will truly and faithfully execute the office of a commiſſioner, and will determine all appeals which ſhall be brought before me, to the beſt of my ſkill and judgment, purſuant to the act of parliament in that behalf.

So help me God.

Which oath any two or more of the commiſſioners are hereby authorized to adminiſter.

Aſſeſſors acquainted with their appointment.

Commiſſioners are to give notice to their aſſeſſors of their appointment.

When no new ones appointed.

If no aſſeſſors are appointed, or they neglect their duty, the ſurveyors or inſpectors under 25 G. 3. c. 47, or any of the acts relating to houſes, windows, &c. may act as aſſeſſors; and they are hereby required to do and perform ſuch and the like ſervices, as by this act are required of ſuch aſſeſſors.

Officers to take an oath.

Every perſon appointed as aforeſaid, or any ſurveyor or inſpector hereby authorized to act in the execution of the ſaid office or employment, ſhall take and ſubſcribe, beſides the oaths or ſolemn affirmations to be taken or made and ſubſcribed by aſſeſſors, by any other act or acts of parliament relative to the ſaid duties, an oath, or ſolemn affirmation, in the following form (that is to ſay):

Form of oath.

I, A. B. do ſwear [or affirm, as the caſe may require], *that in the aſſeſſment which I am required to make in purſuance of the act of parliament in that caſe made and provided, I will act without favour or affection, and according to the beſt of my ſkill and knowledge.* *So help me God.*

By whom adminiſtered.

Which oath or affirmation any two or more of the commiſſioners where the aſſeſſments are to be made, are hereby authorized and required to adminiſter; and if any perſon ſo appointed to act as ſurveyor, aſſeſſor, or inſpector, ſhall preſume to act in the execution of the ſaid office or employment before he ſhall have taken the aforeſaid oath or affirmation, he ſhall forfeit and pay, for every ſuch offence, the ſum of 20l.

Duties regulated by liſts delivered.

The duties by this act granted ſhall and may, from time to time, be aſſeſſed, levied, and paid according to ſuch liſts in writing, of the number of horſes and carriages liable to the ſaid duties, which ſhall be kept or uſed by any perſon or perſons whatſoever, as ſhall, from time to time, be delivered to any ſuch aſſeſſor or aſſeſſors, ſurveyor or ſurveyors, inſpector or inſpectors reſpectively, in purſuance of the ſaid act of the 25 G. 3. c. 47, and according to the number of horſes and carriages reſpectively

reſpectively contained therein, unleſs omiſſions are diſcovered, and then aſſeſſors are to make a ſurcharge. 29 G. 3. c. 49.

The firſt aſſeſſment is to be for three-fourths of a year, from July 5, 1789, and afterwards for one year from April 5.

Carriages uſed otherwiſe than in huſbandry, &c.

Every carriage with two or three wheels, to be drawn by one or more horſes, which ſhall be uſed at any time for the carriage or conveyance of perſons, and not generally uſed in the affairs of huſbandry, or for the carriage of goods, wares, or merchandize, from place to place in the way of trade, ſhall be deemed a carriage and carriages within the meaning of the ſaid act of 25 G. 3. c. 47, for laying a duty on carriages, &c. and ſhall be entered and paid for accordingly; and if not ſo entered, the owners ſhall forfeit 7l. for each, upon proof of the offence before one or more juſtice or juſtices of the peace, either by the voluntary confeſſion of the party, or upon the oath of one or more credible witneſs or witneſſes; which oath the ſaid juſtice or juſtices, to whom ſuch information ſhall be given, are hereby authorized and required to adminiſter; which forfeiture may be levied by diſtreſs and ſale of the offender's goods and chattels, by warrant under the hands and ſeals of ſuch juſtice or juſtices; and the overplus of the money raiſed, after deducting the penalty and coſts, and the expences of the diſtreſs and ſale, ſhall be rendered to the owner, and the ſaid juſtice or juſtices ſhall pay one moiety of the ſaid penalty to the informer or informers, and the other moiety to the collectors appointed for putting in execution this preſent act, for the pariſh or place wherein the perſon or perſons, to whom ſuch carriage or carriages ſhall belong, ſhall reſide; and the ſaid juſtice or juſtices ſhall render an account thereof in writing, ſtating the name and place of abode of ſuch perſons reſpectively from whom the money has been ſo received, in order that the ſaid commiſſioners may ſee the ſame duly added to the aſſeſſment of the reſpective pariſh or place to which the ſame may belong.

Penalty, how applied.

Treble coſts, if plaintiff is non-ſuited.

If any perſon or perſons ſhall be ſued, moleſted, or proſecuted for any thing done by virtue of this act, ſuch perſon or perſons may plead the general iſſue, and give this act and the ſpecial matter in evidence in his, her, or their defence; and if a verdict ſhall paſs for the defendant, or the plaintiff ſhall diſcontinue the action, or be non-ſuited, or judgment ſhall be given againſt him or her, then ſuch defendant ſhall have treble coſts againſt any ſuch plaintiff.

Horſe-Races.

25 G. 2. c. 19. Regulation as to the horſe.

WHEREAS the great number of horſe-races for ſmall plates, or prizes, have contributed very much to the encouragement of idleneſs, and impoveriſhment of many of the meaner ſort of people, and the breed of ſtrong and uſeful

horſes hath been much prejudiced thereby, it is enacted, that no perſon ſhall enter, ſtart, or run any horſe, mare, or gelding, for any prize, unleſs the ſame ſhall be, *bona fide*, his own property, on pain of forfeiting the ſame, or the value thereof.

33 *G.* 3, *c.* 19. As to the prize or plate.

And no plate, prize, ſum of money, or other thing, ſhall be run for, or advertiſed or proclaimed to be run for, unleſs ſuch plate, prize, or ſum of money, be of the real and intrinſic value of 50l. or upwards: And if any perſon ſhall enter, ſtart, or run any horſe for any ſuch plate, prize, or ſum of money, under the value of 50l.; or ſhall make, print, advertiſe, or publiſh any advertiſement of any ſuch prize under the value of 50l. every ſuch perſon ſo entering, ſtarting, or running ſuch horſe, ſhall forfeit 200l. And every maker, printer, or publiſher of ſuch advertiſement, ſhall forfeit 100l. And no perſon ſhall ſtart or run any match for any ſum of money or other thing, unleſs it be at Newmarket or Black-Hambledon, or unleſs ſuch ſum or other thing be of the real and intrinſic value of 50l.—or upwards, on pain of 200l.

As to matches.

24 *G.* 3. *ſeſſ.* 2. *c.* 31. Duty to ſtamp office.

Every clerk of the courſe, or other perſon with whom any running horſe, &c. ſhall have been entered, ſhall, within fourteen days, pay all monies received on ſuch account to the diſtributor of the ſtamps in the county where the race was run, on pain of 100l. for neglecting ſo to do, and alſo ſhall forfeit double the amount of the monies due on ſuch account.

Id.

An allowance to be made of 1s. in the pound to ſuch clerk of the courſe, &c.

Betting, loſing, winning, cheating, and the like, at horſe races, are within the ſtatutes of gaming; for which, ſee the title Gaming.

Houſe.

4 *Black.* 43. Protected by law.

A MAN's home or habitation is ſo far protected by the law, that if any perſon attempts to break open a houſe in the night-time, and ſhall be killed in ſuch attempt, the ſlayer ſhall be acquitted and diſcharged.

3 *W.* *c.* 9. Burglarious entry.

In the caſe of burglary, which is breaking and entering a dwelling-houſe in the night-time with intent to commit felony, it is a capital offence, although no felony be actually committed. And where the offence falls ſhort of burglary, it is, by ſeveral particular ſtatutes, made felony without benefit of clergy, to rob any dwelling-houſe in the day-time, any perſon being therein; or ſtealing in the day-time to the value of 5s. in any dwelling-houſe or out-houſe thereunto belonging, although no perſon be therein; or ſtealing to the value of 40s. in any dwelling-houſe or out-houſe, although the ſame be not broken open; or breaking a houſe in the day-time, any perſon being therein and put in fear, although nothing be ſtolen; or privately ſtealing any goods to the value of 5s. in

any

y shop, warehouse, or stable, although it be not broken open, r any person be therein. And a reward of 40l. is given to y person who shall apprehend, and prosecute to conviction, y person guilty of the felonious breaking and entering of a welling-house either by day or night. 3 *W.* *c.* 9. Reward for apprehending.

Duty on Houses in general, and on Windows or Lights therein.

COMMISSIONERS of the land tax shall be commissioners r the duties on houses and windows And every assessor, be- re he acts, shall take the oaths required by 1 *W.* *c.* 18, be- re three commissioners; which oaths are the oaths of alle- iance and supremacy. Assessors refusing to take the oaths, r their offices, shall forfeit 5l. by distress and sale. 20 *G.* 2. *c.* 3. Assessor to take the oaths.

The commissioners shall openly read, or cause to be read to e assessors, the several rates and duties, and openly declare e effect of their charge unto them, and how they ought to ake their assessments. Id. Assessor's charge.

That is to say, for every dwelling-house, inhabited, shall be aid yearly 3s. 6 *G.* 3 *c.* 38.

But by a late act, every dwelling-house, containing less than even windows or lights, is exempted from the duties imposed by n act of the fifth year of the reign of his present Majesty, *c.* 38. 32 *G.* 3. *c.* 2. What houses are exempted.

Nothing in this act shall extend to exempt from the payment f the duties any edifice in the inns of court, or any chamber r apartment separately, containing less than seven windows or ights. What edifices not exempted.

And, for every window or light in every dwelling-house in- abited, an additional yearly sum as followeth:

7 windows, and no more,	—	2d. each.
8	—	6d. each.
9	—	8d. each.
10	—	10d. each.
11	—	1s. 0d. each.
12	—	1s. 2d. each.
13	—	1s. 4d. each.
14, 15, 16, 17, 18, 19,		1s. 6d. each.
20	—	1s. 7d. each.
21	—	1s. 8d. each.
22	—	1s. 9d. each.
23	—	1s. 10d. each.
24	—	1s. 11d. each.
25 and upwards,	—	2s. 0d. each.

And every kitchen, scullery, buttery, pantry, larder, wash- house, laundry, bake-house, brew house, and lodging-room, belonging to or occupied with any dwelling-house, *whether joined to it or not*, shall be deemed part thereof, and the win- dows therein charged accordingly. 21 *G.* 3. *c.* 16. Chargeable, though separate building.

And

20 G. 2. c. 3. Window with partition.

And where ſeveral windows are fixed in one frame, if partition or diviſion between them is of the breadth of 12 ches, the window on each ſide of the partition ſhall be deem a diſtinct window.

Id: Lighting ſeveral rooms.

And all windows in frames, which ſhall give light into m rooms than one, ſhall be charged as ſo many ſeparate windo as there are rooms enlightened thereby.

21 G. 2. c. 10. Effectually ſtopt.

No windows or lights ſhall be deemed to be ſtopped up, leſs it be done effectually with ſtone or brick, or plaiſter u lath, or upon any other material commonly uſed to plai upon, or with the ſame kind of materials whereof the out of the houſe doth chiefly conſiſt. If any occupier ſhall o any windows, after the aſſeſſments are ſettled, and warr for collecting ſigned, without notice in writing to the ſurv or, he ſhall forfeit 20s. by diſtreſs and ſale, half of which ſhall go to the informer.

Opening afterwards. Penalty.

20 G. 2. c. 3. Occupier's tax.

The rates ſhall be charged only upon the inhabitants or cupiers, and not on the landlord who let or demiſed the ſam

21 G. 2. c. 10. Reſiſtance of aggreſſor.

And if any perſon ſhall wilfully obſtruct or moleſt any ſeſſor in the execution of his duty, he ſhall forfeit 5l. to be vied as the rates and duties.

20 G. 2. c. 3. Aſſeſſor's accounts. Collectors.

The aſſeſſors appearing at the day appointed, ſhall deli in their aſſeſſments, to be verified upon their oaths, and otherwiſe. And ſhall then return the names of two or m able and ſufficient perſons to be collectors, for whom the riſh or place ſhall be anſwerable. At which time, alſo, th or more of the commiſſioners ſhall ſet their hands to the ſeſſments, teſtifying their allowance thereof.

Allowed by commiſſioners.

21 G. 2. c. 10. Appeals, when heard.

All appeals which ſhall be made between March 25, Auguſt 20, yearly, ſhall be heard and determined by the co miſſioners, upon ſuch days as ſhall be by them appointed tween Auguſt 20, and September 15. And all ſuch other peals as ſhall be made between September 29, and January yearly, ſhall be heard and determined upon ſuch other day ſhall be appointed between January 20, and February 10.

29 G. 3. c. 59. Rate of taxation.

For every dwelling-houſe inhabited, together with the fices, courts, yards, and gardens therewith occupied, wo the yearly rent of 5l. and upwards, and under 20l. ſhall be nually paid the ſum of 6d. in the pound: From 20l. and der 40l. the ſum of 9d. in the pound; From 40l. and upwar the ſum of 1s. in the pound.

Id. Owner, when deemed occupier.

Where a houſe is divided into different ſtories or tenemen and inhabited by two or more families, the landlord or ow ſhall be deemed the occupier, and charged accordingly.

18 G. 3. c. 26. Farm houſe exempt.

But no farm-houſe ſhall be rated, which is uſed, *bona fi* for the purpoſes of huſbandry only; and not valued at m than 10l. per annum.

29 G. 3. c. 59. Offices, &c. liable.

Coach-houſes, offices, yards, courts, and gardens, occup with any dwelling-houſe, and not exceeding one acre, to valued with the houſe, and liable to the ſaid duties.

Wareho

Warehouses, being distinct buildings, used only for the purpose of lodging goods, are not chargeable with the said duties. 19 G. 3. c. 59. Warehouses not chargeable.

No house shall be considered as an inhabited house, in which a servant or other person only resides to take care of the same. Halls and offices, that pay other taxes, are liable to this tax. [See Windows.]

House of Correction.

By the 7 J. c. 4, it was enacted, that before Michaelmas 1611, there should be built or provided within every county, one or more fit and convenient houses of correction, which houses were to be purchased, conveyed, or assured unto such persons, as by the justices in sessions should be directed, upon trust, that the same should be employed for the keeping, correcting, and setting to work rogues, vagabonds, or sturdy beggars, and other idle and disorderly persons. Ancient statute for erecting them.

On presentment of the grand jury, that there is no house of correction, and that it will be necessary to provide one or more; or that the houses of correction already provided are not sufficient or convenient, or want to be enlarged, the justices in sessions shall have power to build, or enlarge, one or more fit houses of correction, or to buy or hire such houses for that purpose, with convenient outlets thereto adjoining, as on examination of able and sufficient workmen, or others, shall appear to be necessary for that purpose: And if houses or lands are to be purchased, they shall be conveyed to such persons as the said justices in sessions shall direct, in trust, and for the uses and purposes aforesaid. And the justices in sessions shall appoint, at their will and pleasure, fit persons to be governors or masters of such houses so to be provided; and shall appoint such sums yearly as they shall think meet, to be paid quarterly before-hand by the treasurer, the said master or governor giving sufficient security for the continuance and performance of the said service; which sums shall be paid out of the general county-rate. 17 G. 2. c. 5. Justices power in session to build or enlarge, to make purchases. Justices appointment of governor, salary, how paid. 18 G. 2. c. 20.

And the justices in sessions shall take care that the houses of correction (except those erected or maintained by particular founders) shall be duly fitted up, and supplied with implements, materials, and furniture, for keeping, relieving, employing, and correcting all idle and disorderly persons, rogues, vagabonds, incorrigible rogues, and others, who shall be sent to, confined, or continued in the same; and shall make such orders and regulations as they shall think fit, for the better governing and regulating the said houses, and for employing, relieving, and punishing the persons therein, or for sending them to or from thence; which orders shall not be removed by any certiorari. 17 G. 2. c. 5. House supplied with implements, &c.

And

17 G. 2. c. 5. Manner of committment.

And whereas doubts may arise, where authority is given any justice or justices, to commit offenders to the house of correction, for offences cognizable before them out of sessio how long offenders may be there detained, and in what ma ner treated, where the time and manner of their punishmen not by law expresly limited; it is enacted, that where offenders shall be committed as aforesaid, by virtue of any l in being or to be made, and the time and manner of their p nishment is not expresly limited, the said justice or justi shall commit such offenders to the house of correction, there be kept to hard labour until the next general or quarter-s sions, or until discharged by due course of law: And two j tices (of which the justice who committed him shall be o may discharge the said offender before the sessions, if they cause; and if he shall not be so discharged, the said sessio may either discharge him, or continue him further, not e ceeding three months.

15 G. 2. c. 24. Offender taken in a city or town, how dealt with.

And where any person liable by law to be committed to t house of correction, shall be apprehended within any liber city, or town corporate, whose inhabitants are contribute to the house of correction of the county, the justices of su liberty may commit such person to the house of correction the county.

7 J. c. 24. Governor punishable.

If the master shall not, at every quarter-sessions, yield a tr account of all such persons as have been committed to his cu tody; or if any person committed to his custody, shall troublesome to the country, by going abroad; or otherw shall escape away from the house of correction, before he sha be from thence lawfully delivered, then the said justices sha set such fines and penalties upon the said master or governo as they shall think fit; and all fines and penalties shall be pa to the treasurer, and accounted for by him.

17 G. 2. c. 5. Visiting justices,

Two justices within the respective hundreds, divisions, jurisdictions, where there shall be any house of correction, any two justices appointed by the sessions, shall visit the sa

to report to the sessions.

twice a year, or oftener, if need be, and report the state ther of to the next sessions. And if the governors thereof shall n set or keep the said idle and disorderly persons, rogues, vag bonds, and incorrigible rogues, to hard labour, and punish a correct them according to the directions of their warrants commitment, or shall otherwise misbehave themselves, the sa justices in sessions shall fine them; the fines to be paid to t treasurer, and accounted for by him as part of the coun stock.

Prisoners to be kept to hard labour.

Id. Negligent governor to be removed.

The justices in sessions may remove the said governor master; and if any person removed by order of sessions, sha refuse or neglect to quit possession, for ten days after notic given him in writing by the clerk of the peace, any two ju tices (on producing to them such order of sessions, or an a tested copy thereof, and on oath of one witness of such notic

havin

having been given, and of his having refuſed or neglected to quit poſſeſſion) may, by their warrant, direct the ſheriff to remove him, who ſhall thereupon clear the poſſeſſion as in caſe of a writ of *habere facias poſſeſſionem*.

No ſpirituous liquors ſhall be ſold or uſed in any houſe of correction; as may be ſeen more at large, under the article relating to ſpirituous liquors in the title Exciſe. 24 G. 2. c. 40. Spirituous liquors prohibited.

And to defray the expences of erecting, purchaſing, and repairing houſes of correction, and of purchaſing land to erect them upon, &c. the juſtices in ſeſſions may cauſe ſuch ſums as ſhall be neceſſary, to be raiſed in the ſame manner as rates are to be raiſed by the 12 *G.* 2. *c.* 29. 17 G. 2. c. 5. Juſtices may raiſe money for repairs, &c.

The juſtices of the peace in every county, riding, diviſion, &c. within England and Wales, at their reſpective quarter-ſeſſions of the peace, to be held next after Midſummer from the time of paſſing this act, ſhall nominate one or more juſtice or juſtices of the peace, to examine and inſpect the ſeveral houſes of correction within their reſpective juriſdictions; and the juſtice or juſtices, ſo to be nominated, is and are hereby required carefully and diligently to inſpect the ſame, and to report his or their opinion to the juſtices of their reſpective juriſdictions, at the Michaelmas quarter-ſeſſions then next following, as to the ſtate and condition thereof, and the increaſe of number, or additions or alterations which they may judge neceſſary to make them more convenient and uſeful, having regard to the claſſing of the ſeveral perſons who ſhall be kept there, according to the nature of their crimes and puniſhments, and to the providing proper places for the employment of ſuch perſons as are committed to hard labour, and to the keeping every part of ſuch priſons clean and wholeſome; and the ſaid juſtice or juſtices, ſo to be nominated, is and are hereby required to employ proper and ſkilful perſons to make plans and eſtimates of new buildings, or the additions or alterations which he or they ſhall think neceſſary in the preſent buildings, to make them anſwer the ſeveral purpoſes of this act; which plans, together with the report of the ſaid juſtice or juſtices, ſhall be laid before the court at the ſaid Michaelmas quarter-ſeſſions; or if not then, at or before the Epiphany quarter-ſeſſions then next following; which court is hereby authoriſed and required to conſider the ſame; and if they approve ſuch plans, they may adjourn the quarter-ſeſſions to a further day, for receiving propoſals from perſons inclined to undertake ſuch work; and the juſtices, in ſettling and adjuſting ſuch plans, are hereby required to provide ſeparate apartments for all perſons committed upon charges of felony, or convicted of any theft or larceny, and committed to the houſe of correction for puniſhment by hard labour, in order to prevent any communication between them and the other priſoners; and they are alſo to provide ſeparate apartments in each diviſion of the houſe of correction, for the women who ſhall be committed thither. 22 G. 3. c. 64. Inſpecting juſtices. Claſſing of priſoners. Plans and propoſals to be received. Separate apartments.

22 G. 3. c. 64. And the justices of the peace, at their general quarter-ses-
sions, shall, and they are hereby empowered, from time to time
any report made to them as aforesaid, to make such orde
thereupon as to them shall seem just, and the nature of the cas
may require. As soon as such buildings shall be made, or al
tered and completed, according to the directions aforesaid, th
justices of the peace, at their general quarter-sessions, shall or-
to be fitted up and furnished. der them to be fitted up and furnished in such manner as t
them shall seem fit; and shall also provide such utensils an
implements as they shall judge proper, for employing the se-
veral persons who shall be committed to such houses of cor-
Utensils for labour. rection for hard labour; and the keepers of such houses of cor-
rection are to deliver to the chairman of the quarter-session
Lists of prisoners. lists of the persons in their respective custody, distinguishing
How employed, &c. the age and sex of every such person committed to hard la-
bour, and in what trade, manufacture, or business, every such
person hath been employed, and is best qualified for, and how
each person has behaved during his or her confinement, ac-
cording to the best of his information and observation; and
the court shall, before the end of that session, give such di-
rections for the future employment of the said several pri-
soners, as to them shall seem meet; and the justices shall, at
their general quarter-sessions of the peace, from time to time,
order and direct a sufficient quantity of materials for manu-
Materials provided. factures to be provided, for the use and employment of the se-
veral persons who shall be committed to such houses of correc-
tion for hard labour, of such kinds, as they, in their discre-
tion, shall think most proper; and they shall employ some fit
person to be keeper of such house of correction, and may ap-
point a temporary assistant or assistants to instruct such pri-
soners in any business or branch of manufacture, which the
Task-masters, or temporary assistants. justices shall think most proper to be set on foot and under-
taken there.

22 G. 3. c. 64. The rules, orders, and regulations for the better govern-
ment of the persons to be committed to the said houses of cor-
rection, shall be duly observed and enforced, subject to such
additions as shall from time to time be made by the justices of
the peace, at their quarter-sessions, which shall be held next
after Midsummer or Michaelmas, and which they are hereby
authorised to make at their discretion; and such rules and or-
Rules and orders. ders shall be printed in plain legible characters, and fixed up in
some conspicuous part of every such prison. And the gover-
nor shall have power to punish the several offenders against
Book of entry. these rules, by closer confinement; and shall enter in a book,
to be kept by him for the inspection of the justices at the quar-
ter sessions, and the visiting justice or justices, the name of
every person who shall be so punished by him, expressing the
offence, and the duration of the punishment inflicted.

Id. The justices of the peace, at their general quarter-sessions,
may and shall cause such sums of money, as shall be necessary
for

for all or any of those purposes, to be raised in the same manner as rates are directed to be raised by an act of 12 *G.* 2, entituled, *An act for the more easy assessing, collecting, and leving of county rates.* 22 *G.* 3. *c.* 64. Money, how raised.

Any justice may present the want of houses of correction to the quarter-sessions, on his view or knowledge thereof; which presentment by the justice shall be proceeded upon in the same manner as if it had been made by the grand jury. *Id.* Justice's presentment.

All prisoners in such houses may be employed by the governor in some work or labour which is not severe, although such prisoners were not, by the warrant of their commitment, ordered to be kept to hard labour; and every such governor or keeper shall enter a separate account of the work done by every person under that description, and shall account for and pay to him or her one half of the nett profits which he or she shall have earned, at the time of his or her discharge, and not before. All prisoners may be set to labour. Account of their work, half due to prisoners.

No governor, or officer under him, is to sell wine, &c. or any other article used in the house, under pain that every person offending therein, shall, on complaint made on oath, and conviction of the said offence, before a magistrate having jurisdiction there, forfeit 10l. for every such offence, and shall be dismissed from his employment as governor or keeper, or as assistant in such house of correction, by order of the justices at their next general quarter-sessions of the peace; and no wine, ale, spirituous or other liquors, shall be brought into the house of correction to be drank there, unless for a medicinal purpose, by a written direction, under the hand of the apothecary or surgeon usually attending such house of correction; and the directions given by 17 *G.* 2. for the inspection and controul by the justices over the master or keeper of every such house of correction, shall be strictly adhered to and enforced. Wine not to be sold. Penalty and dismission. No wine or spirits to be brought in.

The justices of the peace, in their respective quarter-sessions, shall fix a reasonable salary for the governor or keeper of the house of correction, and may moreover allow him some proportion of the profits earned by the prisoners. Salary to governor.

Governors are empowered to handcuff or fetter any refractory prisoner. The justices of the peace, at their general quarter sessions, may, if they think fit, appoint a minister of the church of England, residing in or near the place where every such house of correction shall be situate, to perform divine service there every Sunday, and may appoint such salary for his trouble as they shall think fit, not exceeding 20l. per annum, to be paid by the treasurer of the county; but such salary to be diminished, at any future quarter-sessions, if the justices shall think fit. 22 *G.* 3. *c.* 64. Refractory prisoners. Chaplain with salary. By whom paid.

All penalties inflicted by this act, shall, in default of payment, after due summons and demand made, be levied by distress and sale, by virtue of a warrant under the hand and seal of any justice of the peace having jurisdiction where such offender shall dwell; and, for want of such distress Penalty, how levied.

it shall and may be lawful to and for any justice of the peace to commit such offender to the common gaol, for any space not exceeding six calendar months, nor less than one calendar month; every such penalty and forfeiture shall be paid to the treasurer of the county.

To whom paid.

24 G. 3. sess. 2. c. 55.

By this act, justices who have not, in pursuance of the former act of 22 G. 3. c. 64, examined the state of the houses of correction, may enforce the said act at the next or any subsequent quarter-sessions: And when the expences of building, rebuilding, or enlarging such houses shall exceed one half of the annual county rate (on an average of the last five years), the justices in their sessions may borrow, on the credit of the county rate, any sums, not less than 50l. nor more than 100l. each, by way of mortgage.

When Money to be raised on county rate.

Id. No contract by justices.

The whole conduct of this matter, relative to the borrowing and repayment of money, and also the purchase of lands, &c. is on the same footing with the act respecting the gaols (except the clause which forbids any justice being concerned in any contract for rebuilding, &c.) to which the reader may very conveniently be referred.

Id. Justice's power of commitment.

Any justice or justices of the peace authorized to convict any person or persons in a summary way, without a jury, may, after the passing of this act, or if he or they shall think fit, commit persons so convicted to the house of correction, instead of the common gaol.

Hue and Cry.

2 H. H. 89. Warrant for it not necessary.

FOR levying hue and cry, although it is a good course to have the warrant of a justice of the peace, when time will permit, in order to prevent causeless hue and cry; yet, by the frame of the statutes, it is by no means necessary, nor is it always convenient; for the felon may escape before the warrant be obtained, and hue and cry was part of the law, before justices of the peace were first instituted.

3 Inst. 117. Penalty on not pursuing.

And they which levy not hue and cry, or pursue not upon hue and cry, may be indicted, fined, and imprisoned.

Hundred.

22 G. 2 c. 46. Writs, to whom produced.

WRITS of execution, which shall be sued out against the inhabitants of any hundred, on any judgment obtained by virtue of any act of parliament, shall, by the sheriff on receipt thereof, be produced to two justices (1 Q.) in or near the hundred; the same being first proved on oath before the said justices; and the attorney's bill taxed.

Ideots. See Lunatics.

Impriſonment. See Arreſt, Commitment.

Incloſures. *(Pulling down.)*

IF any perſon ſhall wilfully or maliciouſly demoliſh, pull down, or otherwiſe deſtroy or damage, any fence made for dividing or incloſing any common, waſte, or other lands or grounds in purſuance of any act of parliament, or ſhall cauſe or procure the ſame to be done; he ſhall be guilty of felony, and tranſported for ſeven years. Proſecution to be commenced in eighteen months after the offence committed. 8 G. 3. c. 29. Deſtroying them, how puniſhed.

Indemnity Act.

THIS act is to indemnify ſuch perſons as have omitted to qualify themſelves for offices and employments; and to indemnify juſtices of the peace, or others, who have omitted to regiſter or deliver in their qualifications within the time limited by law, and for giving further time for thoſe purpoſes; and to indemnify members and officers, in cities, corporations, and borough towns, whoſe admiſſions have been omitted to be ſtamped according to law, or, having been ſtamped, have been loſt or miſlaid, and to allow them time to provide admiſſions duly ſtamped; to give further time to ſuch perſons as have omitted to make and file affidavits of the execution of indentures of clerks to attornies and ſolicitors; and to indemnify deputy lieutenants and officers of the militia, who have neglected to tranſmit deſcriptions of their qualifications to the clerks of the peace, within the time limited by law; and to give further time for that purpoſe. 30 G. 3. c. 18. The objects of this ſtatute.

All ſuch perſons as have omitted to qualify themſelves agreeably to ſundry acts, before the paſſing of this act; and who ſhall, on or before December 25, 1790, qualify themſelves, ſhall be indemnified againſt all forfeitures, incurred, or to be incurred, for or by reaſon of any ſuch neglect or admiſſion. *Id.* Limitation of time.

But this act is not to indemnify any perſon, againſt whom final judgment ſhall have been given, for any penalty incurred by having neglected to qualify himſelf within the time limited by law; nor to exempt juſtices acting without legal qualification. Who not included in it.

Perſons producing appointments and admiſſions before December 25, 1790, ſhall be confirmed, and qualified to act as clerk, Appointments and admiſſions valid within the limited time.

30 *G.* 3. *c.* 12. Not if avoided, and legally filled up.

clerk, officer, or member of corporations, &c. and may enjo all offices, into which they have been elected; and shall be in demnified from all penalties and damages, incurred by reaso of omissions. This act is not to extend to restore persons t any office avoided by judgment, and legally filled up and en joyed by other persons.

Persons, who shall cause affidavits to be filed before Michael mas term, 1790, are indemnified and discharged from pe nalties.

Further time to deputy lieutenants, and others.

By 26 *G.* 3, *c.* 107, every deputy lieutenant, and every of ficer then holding a commission as colonel, lieutenant colonel major, or captain in the militia, and not having transmitted specific description of his qualification for holding such com mission to the clerk of the peace, was required, within si months after the 1st day of July 1786, to transmit such des cription to the clerk of the peace, on pain of being rendered incapable of acting as a deputy lieutenant, or of serving as an officer in the militia again, in case he should omit so to do but whereas divers persons have, through ignorance of the law, absence, or some unavoidable accident, neglected to transmit such description of their qualification as aforesaid, within the time limited by the said act, all such deputy lieutenants and officers, who shall, on or before the 1st day of September, 1790, deliver in their qualifications, in the manner directed by the said act, are hereby indemnified from and against all penalties, forfeitures, incapacities, and disabilities, incurred by reason of such omission or neglect.

This act may be pleaded.

Persons prosecuted, and hereby meant to be indemnified, may plead the general issue.

Indictment.

2 *Haw.* 210. What crimes indictable.

THERE can be no doubt, but that all capital crimes whatsoever, and also all kinds of inferior crimes of a public nature, as misprisions, contempts, disturbances of the peace, oppressions, and all other misdemeanors whatsoever of a public evil example against the common law, may be indicted: But no injuries of a private nature, unless they some way concern the king.

L. Raym. 712.

A fact amounting to a felony, is not indictable as a trespass.

Indorsing a Warrant in another County. See Appendix, No. 101.

Infants.

BY an infant or minor, is meant any one who is under the age of twenty-one years. 1 *Inſt.* 2. Infant deſcribed.

An infant may be guilty of forcible entry, in reſpect of perſonal actual violence. 1 *Haw.* 147. May be fined.

And the juſtices may fine him, therefore: But yet it ſhall be good diſcretion in the juſtices of the peace, to forbear the imprisonment of ſuch infant. *Dalt. c.* 126.

No age is limited for the binding of pariſh apprentices; but it ſeemeth they may be bound after the age of ſeven, when they ceaſe to be nurſe-children, and conſequently may be taken from the mother.—See Apprentice. 43 *El. c.* 2. Age of binding.

Servants above the age of eighteen, embezzling their maſter's goods to the value of 40s. ſhall be puniſhed as felons. 21 *H.* 8. *c.* 7. Servants above eighteen.

Information.

INFORMATIONS are of two kinds; 1. Such as are merely at the ſuit of the king; and, 2. Such as are partly at the ſuit of the king, and partly at the ſuit of the party;—which are commonly called informations *qui tam*, from thoſe words in the information when the proceedings were in Latin, *qui tam pro domino rege quam pro ſeipſo, &c.* 2 *Haw.* 259. Two kinds.

All offences againſt any penal ſtatute, for which any common informer may ground a popular action, bill, plaint, ſuit, or information, before the judges of aſſize, or juſtices of the peace in their general or quarter-ſeſſions (having power to hear and determine the ſame), ſhall be proſecuted in the county where they were committed, and not elſewhere; and if the offence is not proved to have been committed in the ſame county, the defendant ſhall be found not guilty. 21 *J. c.* 4. Where proſecuted.

No informer ſhall compound or agree with the defendant, but after anſwer made in court; nor after anſwer, but by the order or conſent of the court; on pain of being ſet on the pillory, in ſome market town next adjoining, in open market, for two hours, and of being diſabled to be informer on any penal ſtatute, and alſo of forfeiting 10l. half to the king, and half to the party grieved, to be recovered in any court of record, by action of debt or information. And the juſtices of aſſize, and the juſtices of the peace in ſeſſions, may hear and determine all offences againſt this act. 18 *El. c.* 5. Informer compounding.

31 *Eliz. c.* 7. NO more inmates or families than one may be placed any one cottage, on forfeiture of 10*s.* a month to lord of the leet. But, by 43 *Eliz. c.* 2, the churchwardens overſeers of the poor, by the leave of the lord of the man and by order of the juſtices at their ſeſſions, may place inm

Families united. or more families than one in the ſame cottage, provided be the impotent and poor of the ſame pariſh.

23 *Ed.* 1 *ſt.* 2. *c.* 6. Conſtables of hundreds ſhall be choſen, who ſhall pre before juſtices aſſigned, defaults of the ſuits of towns, and ſuch as lodge ſtrangers in uplandiſh towns, for whom they not anſwer.

Inrolment.

27 *H.* 8. *c.* 16. Neceſſary for paſſing eſtates. NO manors, lands, tenements, or hereditaments ſhall p from one to another, whereby any eſtate of inheritan or freehold, ſhall be made or take effect in any perſon, exc the ſame bargain and ſale be made by writing indented, ſe ed, and inrolled in one of the king's courts of record at W minſter; or elſe within the county where the lands lie, bef the cuſtos rotulorum, and two juſtices, and the clerk of peace, or two of them at the leaſt, whereof the clerk of peace to be one: The ſame inrollment to be made in

To be made in ſix months, and recorded. months after date of the writings; and to be kept amongſt records of the county.

Judgment.

Dalt. c. 188. Poſitive, not at diſcretion. BY many ſtatutes, peculiar puniſhments are appointed ſeveral offences, as pillory, ſtocks, impriſonment, the like; and in all theſe caſes, no room is left for the juſtic diſcretion, for they ought to give judgment, and to inf the puniſhment in all the circumſtances thereof, as ſuch tutes do direct.

Jurors.

3 & 4 *An.* *c.* 18. Jurors, how qualified. THE juſtices, at Midſummer ſeſſions, ſhall iſſue forth th warrants under the hands and ſeals of two or more of the to the high conſtables, requiring them to iſſue forth their p cept to the petty conſtables, thereby directing and requir them to make and return true liſts in writing, of the nam and places of abode of all perſons, within their reſpective co

ſtablewic

ſtablewicks, with their titles and additions, between the ages of 21 and 70, qualified to ſerve on juries, by having, in their own name, or in truſt for them, within the ſame county where the iſſue is to be tried, ten pounds by the year at leaſt, above reprizes, of freehold or copyhold lands, and tenements of antient demeſne, or in rents, in fee ſimple, fee tail, or for the life of themſelves or ſome other perſon; or, having in poſſeſſion, in their own right, a leaſehold eſtate of 20l. per annum, for 99 years or more. 4 & 5 W. c. 24.

The high-conſtable failing to iſſue this precept, ſhall forfeit 10l. on conviction at the aſſizes or ſeſſions. 3 G. 2. c. 25. High conſtable's neglect.

And if any petty conſtable ſhall wilfully omit any perſon who ought to be inſerted, or inſert any one who ought to be omitted, or ſhall take any reward for omitting or inſerting any perſon, he ſhall forfeit 20s. on conviction before one juſtice, on confeſſion, or oath of one witneſs; half to the informer, and half to the poor of the pariſh or place for which the liſt is returned; if not paid in five days, to be levied by diſtreſs.—And ſuch juſtice ſhall, in writing under his hand, certify the ſame to the next ſeſſions; who ſhall direct the clerk of the peace to inſert or ſtrike out the name of ſuch perſon ſo inſerted or omitted wrongfully. 3 G. 2. c. 25. Petty conſtable, if partial, how puniſhed.

The petty conſtables, at Michaelmas ſeſſions, ſhall deliver in the liſts in open court. 7 & 8 W. c. 32. Liſts, when delivered.

Or, inſtead of this, after they have compleated their liſts, it ſhall be ſufficient if they ſubſcribe the ſame in the preſence of one juſtice, and at the ſame time atteſt the truth thereof upon oath to the beſt of their knowledge or belief: and then the ſaid liſts, being firſt ſigned by the juſtice, and ſubſcribed as aforeſaid, ſhall be delivered by the ſaid petty conſtables to the high conſtables, who ſhall deliver in the ſame at the ſaid ſeſſions, in open court, atteſting at the ſame time, upon oath, the receipt of ſuch liſts from the petty conſtables, and that no alteration hath been made therein ſince their receipt thereof. 3 G. 2. c. 25. Liſts ſubſcribed and atteſted.

The conſtable failing to make return, ſhall forfeit 5l. to the king, to be recovered by bill, plaint, or information. 7 & 8 W. c. 32. Conſtable not returning.

And if any perſon, not qualified, ſhall find his name mentioned in ſuch liſt, and the perſon required to make ſuch liſt, ſhall refuſe to omit him, or think it doubtful whether he ought to be omitted, the juſtices, at the ſeſſions to which the liſts ſhall be returned, on ſatisfaction from the oath of the party complaining, or other proof that he is not qualified, may order his name to be ſtruck out, or omitted to be entered in the book. 3 G. 2. c. 25. Juror not qualified.

The juſtices ſhall then cauſe the liſts to be fairly entered in a book by the clerk of the peace, to be by him provided and kept for that purpoſe amongſt the records of the ſeſſions. 7 & 8 W. c. 32. Liſts entered and recorded.

By a clauſe in the commiſſion of the peace, it is ſaid, we command our ſheriff, that at certain days, which you (the juſtices) ſhall make known to him, he cauſe to come before you Order to the ſheriff.

you ſo many and ſuch good and lawful men of his bailiwick (as well within liberties as without) by whom the truth ſhall be the better known and enquired into.

2 *Haw.* 406. Jury, when returned.

It ſeems that juſtices of the peace may not order a jury to be returned immediately, nor on the ſame day, for the trial of a priſoner arraigned before them, as juſtices of gaol delivery may, unleſs the crime amount to felony, or the party conſent to be tried immediately.

2 *H. H.* 263. Number of jurymen.

And although the words of the writ be *twelve*, yet, by the ancient courſe, the ſheriff muſt return *twenty-four*, for the expedition of juſtice; for, if twelve only ſhould be returned, there would ſeldom a full jury appear; and, in this caſe, uſage and cuſtom makes the law.

3 *H.* 8. *c.* 12. Jurors challenged.

Beſides the challenges which may be taken by the plaintiff or defendant, it is enacted, that in caſes where the king is party, the juſtices of aſſize, or of the peace in ſeſſions, may reform the panels of jurors, by putting to and taking out the names of the perſons impanelled by their diſcretion; and if

May be changed.

the ſheriff do not return the panel ſo reformed, he ſhall forfeit 20l. half to the king, and half to him that ſhall ſue.

1 *Inſt.* 227. Jury confined.

By the law of England, a jury, after their evidence given upon the iſſue, ought to be kept together in ſome convenient place, without meat or drink, fire, or candle, and without ſpeech with any, unleſs it be the bailiff, and with him only if they be agreed.

Dr. & St. 158. Juſtice's indulgence.

But, with the aſſent of the juſtices, they may both eat and drink; and if they cannot agree, the juſtices may, in ſuch caſe, ſuffer the jury to have both meat and drink for a time, to ſee whether they will agree. But if the caſe ſo happen, that the jury can in no wiſe agree, the juſtices (as it ſeemeth), in ſuch caſe, may take ſuch order in the matter, as ſhall ſeem to

A new inqueſt.

them, by their diſcretion, to ſtand with reaſon and conſcience, by awarding a new inqueſt, or otherwiſe, as they ſhall think beſt.

1 *Haw.* 57, 58. Aſſault or threat, or blow to a juror.

If a man aſſault or threaten a juror, for giving a verdict againſt him, he is highly puniſhable by fine and impriſonment; and if he ſtrikes him in the court, in the preſence of the judge of aſſize, he ſhall loſe his hand, and his goods, and profits of his lands during life, and ſuffer perpetual impriſonment.

3 *G.* 2. *c.* 5. Jurors penalty.

In cauſes of *niſi prius*, every perſon whoſe name ſhall be drawn, and who ſhall not appear, after being openly called three times, ſhall, on oath made of his having been lawfully ſummoned, forfeit not exceeding 5l. nor leſs than 40s. unleſs ſome reaſonable cauſe of abſence be proved, by oath or affidavit, to the ſatisfaction of the judge.

3 *H.* 7. *c.* 1. Grand jury, when fineable.

If the grand jury, at the aſſizes or ſeſſions, will not find a bill, the court may impanel another inqueſt to enquire of their concealments, and thereupon ſet fines upon them.

If

If a jury give a verdict againſt all reaſon, convicting or acquitting a perſon indicted of felony, what ſhall be done? If the jury convict a man, againſt or without evidence, and againſt the direction of the court, the court may reprieve him before judgment, and acquaint the king, and certify for his pardon: If the jury acquit him in like manner, the court may ſend them back again (and ſo in the former caſe) to conſider better of it, before they record the verdict; but if they are peremptory in it, and ſtand to their verdict, the court muſt take their verdict and record it.

2 *H. H.* 309, 310. Jury's improper verdict.

Muſt be recorded.

Juſtices of the Peace

ARE judges of record, appointed by the king, to be juſtices within certain limits, for the conſervation of the peace, and for the execution of divers things comprehended within their commiſſion, and within divers ſtatutes committed to their charge.

Dalt c. 2. Judges of record.

And a record or memorial, made by a juſtice of the peace, of things done before him judicially in the execution of his office, ſhall be of ſuch credit, that it ſhall not be gainſaid.

Lamb. 63. Not to be gainſaid.

In ancient times, ſuch officers or miniſters as were inſtituted, either for preſervation of the peace of the county, or for execution of juſtice, were, by force of the king's writ in every ſeveral county, choſen in full or open court by the freeholders of that county.

2 *Inſt.* 558. How formerly choſen.

Beſides theſe conſervators of the peace properly ſo called, there were and are other conſervators of the peace by virtue of certain offices, viz. (1.) The lord chancellor, and every juſtice of the king's bench, throughout all the realm. (2.) Every court of record within its own precinct. (3.) Every juſtice of the peace. (4.) Every ſheriff. (5.) Every coroner. And (6.) every high and petty conſtable.

2 *Haw.* 33. Other conſervators of the peace.

There were alſo other conſervators of the peace by tenure; who held lands of the king by this ſervice; and other conſervators of the peace by preſcription.

Id. By tenure and by preſcription.

The general duty of the conſervators of the peace by the common law, is to employ their own, and to command the help of others, to arreſt and pacify all ſuch who, in their preſence, and within their juriſdiction and limits, by word or deed, ſhall go about to break the peace. And if the conſervators of the peace have committed or bound over any offenders, they are then to ſend to, or be preſent at, the next ſeſſions of the peace, or gaol delivery, there to object againſt them.

Dalt. c. 1. Their duty.

Juſtices of the peace at this day are of three ſorts; 1. By act of parliament; as the biſhop of Ely and his ſucceſſors, and the archbiſhop of York, and biſhop of Durham. 2. By charter,

27 *H.* 8. c. 24. Juſtices, how appointed.

ter, or grant made by the king under the great seal; as mayors and the chief officers in divers corporate towns. 3. By commission.

18 *G.* 2. *c.* 20. Justice's qualification.

No person shall be capable of being or acting as a justice of the peace, who shall not have in law or equity, for his own use, in possession, a freehold, copyhold, or customary estate for life, or for some greater estate, or an estate for some long term of years, determinable upon one or more lives, or for a certain term originally created for twenty-one years, or more, in lands, tenements, or hereditaments, in England or Wales, of the clear yearly value of 100l. above what will discharge all incumbrances affecting the same, and all rents and charges payable out of the same; or who shall not be entitled to the immediate reversion or remainder of lands leased for one, two, or three lives, or for any term of years determinable on the death of one, two, or three lives, upon reserved rents of the clear yearly value of 300l.

Justice's oath of qualification.

Every justice of the peace, before he acts, at the sessions of the county where he intends to act, shall take and subscribe the oath following: *I* A. B. *do swear, that I truly and* bona fide *have such an estate, in law or equity, to and for my own use and benefit, consisting of*—(specifying the nature of such estate, whether messuage, land, rent, tythe, office, benefice, or what else) *as doth qualify me to act as a justice of the peace for the county, riding, or division of* ——, *according to the true intent and meaning of an act of parliament made in the* 18*th year of the reign of his majesty king George the second, entitled, an act to amend and render more effectual an act passed in the fifth year of his present majesty's reign, entitled, an act for the further qualification of justices of the peace; and that the same* (except where it consists of an office, benefice, or ecclesiastical preferment, which it shall be sufficient to ascertain by their known and usual names) *is lying or being, or issuing out of lands, tenements, or hereditaments being within the parish, township, or precincts of* ——, *in the county of* ——, *or in the several counties of* —— (as the case may be.)

Which oath taken and subscribed, shall be kept by the clerk of the peace among the records of the sessions.

Penalty for acting unqualified.

And if any person shall act as justice, without having taken and subscribed the said oath, or without being qualified as above, he shall, for every offence, forfeit 100l. half to the poor of the parish in which he most usually resides, and half to him who shall sue, with full costs. The prosecution to be in six months.

1 *M sess.* 2. *c.* 8. Sheriff not to act as justice.

No sheriff shall exercise the office of a justice of the peace, during the time that he acts as sheriff.

2 *Haw.* 40. Justices' jurisdiction.

Justices of the peace have jurisdiction of all inferior crimes within their commission, whether such crimes be mentioned in any statute concerning them or not; for all such crimes are either directly, or at least by consequence and judgment of law, against the peace.

The

The Juſtice of the Peace, his Oath of Office.

"YE ſhall ſwear, that as juſtice of the peace in the county of M. in all articles in the king's commiſſion to you directed, you ſhall do equal right to the poor and to the rich, after your cunning, wit, and power, and after the laws and cuſtoms of the realm, and ſtatutes thereof made: And ye ſhall not be of counſel of any quarrel hanging before you: And that ye hold your ſeſſions after the form of the ſtatutes thereof made: And the iſſues, fines, and amerciaments that ſhall happen to be made, and all forfeitures which ſhall fall before you, ye ſhall cauſe to be made without any concealment (or embezzling), and truly ſend them to the king's exchequer. Ye ſhall not let, for gift or other cauſe, but well and truly ye ſhall do your office of juſtice of the peace in that behalf: And you ſhall take nothing for your office of juſtice of the peace to be done, but of the king, and fees accuſtomed, and coſts limited by ſtatute. And ye ſhall not direct, nor cauſe to be directed, any warrant (by you to be made) to the parties, but ye ſhall direct them to the bailiff of the ſaid county, or other the king's officers or miniſters, or other indifferent perſons, to do execution thereof. So help you God."

26 *G.* 2. *c.* 14. Table of fees.

The juſtices, at Midſummer ſeſſions 1753, ſhall ſettle a table of their clerk's fees; which, being approved by the juſtices at the next ſucceeding ſeſſions, with ſuch alterations as the juſtices there ſhall think proper, ſhall be laid before the judges at the next aſſizes, who ſhall confirm the ſame with ſuch alterations, additions, or abatements, as to them ſhall appear juſt and reaſonable: And the ſeſſions, from time to time, may make any other table of fees, and after the ſame ſhall have been approved by the next ſucceeding ſeſſions, ſhall lay the ſame before the judges at the next aſſizes, who may ratify the ſame in like manner: And no table of fees ſhall be valid, until confirmed by the judges. And if, after three months from the time that ſuch table ſhall be confirmed, any juſtice's clerk ſhall demand or take any other or greater fee than ſhall have been ſo confirmed, he ſhall forfeit 20l. to him who ſhall ſue in three months. The ſaid table of fees ſhall be depoſited with the clerk of the peace, who ſhall cauſe true copies thereof to be kept conſtantly in a conſpicuous part of the room where the ſeſſions are held, on pain of 10l.

to be confirmed by the judges.

Penalty for non-compliance. Copy in ſeſſion houſe.

27 *G.* 2. *c.* 18. How confirmed in Middleſex.

In Middleſex, the like table ſhall be confirmed by the two lords chief juſtices, and the lord chief baron, or any two of them.

Dalt. c. 173. Juſtice not in his own caſe.

Regularly, juſtices of the peace ought not to execute their office, in their own caſe; but cauſe the offenders to be convened or carried before ſome other juſtice, or deſire the aid of ſome other juſtice being preſent.

If

Cro. Cir. 394. Conſtable's conduct.

If a juſtice exceed his authority, in granting a warrant, ye the officer muſt execute it, and is indemnified for ſo doing but if it be a caſe wherein he hath no juriſdiction, or in a mat ter whereof he hath no cognizance, the officer ought not t execute ſuch warrant; ſo that the officer is bound to take no tice of the authority and juriſdiction of the juſtice.

24 *G.* 2. *c.* 44. Copy of his warrant.

If the officer, in ſix days after demand, ſhall grant to th party complaining a peruſal and copy of the warrant, he ſhal not be liable to any action, but the juſtice only.

1 *Salk.* 181. Offender to be ſummoned.

In ſummary convictions, the party ought to be heard, and for that purpoſe, ought to be ſummoned in fact; and if th juſtice proceed againſt a perſon without ſummoning him, i would be a miſdemeanor in him, for which an information would lie.

Dalt. c. 115. Record to be made.

In all caſes where juſtices may hear and determine out o ſeſſions (viz. on their own view, or confeſſion, or oath of wit neſſes), the juſtices ought to make a record, in writing unde their hands, of all the matters and proofs; which record, not withſtanding, in many caſes they may keep by them. And if upon ſuch conviction, the offender is to be fined to the king then the juſtices are to eſtreat ſuch fine, and to ſend the eſtrea into the exchequer, whereby the barons of the exchequer may cauſe the ſaid fine or forfeiture to be levied for the king's uſe.

Fine to be eſtreated, and ſent into the exchequer.

Dalt. c. 173. Statutes at large.

Foraſmuch as moſt of the buſineſs of a juſtice of the peace conſiſteth in the execution of divers ſtatutes, which cannot be ſufficiently abridged, but that they will come ſhort of the ſubſtance and body thereof, therefore it ſhall be ſafeſt for the juſtices to have an eye to the ſtatutes at large, and thereby to take their further and better directions, for their whole proceedings.

Juſtice's protection.

A juſtice of the peace is ſtrongly protected by the law, in the juſt execution of his office.

Not to be abuſed.

Thus, in the firſt place, he is not to be ſlandered or abuſed.

2 *Haw.* 85. How puniſhable.

In the next place, he is not puniſhable at the ſuit of the party, but only at the ſuit of the king, for what he doth a judge, in matters which he hath power by law to hear and determine without the concurrence of any other; but in caſes wherein he proceeds miniſterially, rather than judicially, if he act corruptly, he is liable to an action at the ſuit of the party, as well as to an information at the ſuit of the king.

J. c. 5. Juſtice's defence.

In the next place, if any action ſhall be brought againſt a juſtice for any thing done by virtue of his office, he may plead the general iſſue, and give the ſpecial matter in evidence; and if he recover, he ſhall have double coſts.

24 *G.* 2. *c.* 44. Notice given him.

No writ ſhall be ſued out againſt, or copy of any proceſs, at the ſuit of a ſubject, ſhall be ſerved on any juſtice, for any thing done by him in the execution of his office, until notice in writing ſhall have been given to him, or left at his uſual place of abode, by the attorney for the party, one month before the ſuing out, or ſerving the ſame; containing the cauſe

of

of action, and indorſed with his name and place of abode; for which he ſhall be entitled to a fee of 20s. and no more.— And the juſtice may, at any time, within one month after ſuch notice, tender amends to the party complaining, or to his attorney; and if the ſame is not accepted, he may plead ſuch tender in bar to the action, together with the plea of not guilty, and any other plea, with leave of the court; and if, upon iſſue joined, the jury ſhall find the amends tendered to have been ſufficient, they ſhall give a verdict for the defendant. *Crem. 7.* Amends to be tendered.

If a juſtice will not, on complaint to him made, execute his office, or ſhall miſbehave in his office, the party grieved may move the court of king's bench for an information, and afterwards may apply to the court of chancery to put him out of the commiſſion. Juſtice refuſing, or miſbehaving.

Juſtices in the Country.

FROM and after the paſſing of this act, any juſtice or juſtices of the peace, acting as ſuch for any two or more counties being adjoining counties, may act as a juſtice or juſtices of the peace in all matters and things whatſoever, relating to any or either of the ſaid counties, and all acts of ſuch juſtice or juſtices of the peace, and of any conſtable or other officer in obedience thereto, ſhall be as valid, good, and effectual, as if ſuch act had been done in the county or counties to which ſuch act or acts more particularly relate; and all conſtables and other officers of the ſaid county or counties to which ſuch act or acts relate, are hereby required to obey the warrants of ſuch juſtice or juſtices; Provided, that ſuch juſtice or juſtices be perſonally reſident in one of the ſaid counties, at the time of doing ſuch act or acts: And provided, that the warrants, orders, or directions, ſo to be given and granted, be directed and given in the firſt inſtance to the conſtable or other officer of the county to which the ſame more particularly relate. *28 G. 3. c. 49.* Juſtices for two adjoining counties may act for either. Muſt be reſident in one of them.

It ſhall be lawful for any conſtable, or other peace officer, to convey and take any perſon or perſons apprehended or taken into cuſtody, to any juſtice or juſtices of the peace acting for the ſaid county, and reſident in ſuch adjoining county as aforeſaid; and in all caſes, ſo to act as if the ſaid juſtice or juſtices of the peace was or were reſident within the ſaid county to which they reſpectively belong. *28 G. 3. c. 49.* Priſoner may be taken into the adjoining county.

Sheriffs, and their officers, may convey offenders through adjoining counties, to the gaol of the county wherein the offence was committed. Sheriff and

Juſtices for counties at large may act within any city being a county of itſelf, ſituate therein or adjoining to ſuch county: Provided County juſtices power in cities, &c.

Provided always, that nothing in this act ſhall extend to giv power to the juſtices of the peace for any county at large, no being juſtices for ſuch city town, or other precinct, or an conſtable or other officer acting under them, to act or inter meddle in any matters or things ariſing within any ſuch city town, or precinct, in any manner whatſoever.

33 G. 3. c. 55. Juſtices, may fine conſtables, &c.

By this act, two or more juſtices may impoſe fines upon con ſtables, overſeers, and other pariſh officers, &c. for neglect duty; and on maſters for ill uſage of apprentices, provide that not more than the ſum of ten pounds be paid upon th binding of ſuch apprentice, ſuch conſtable, overſeer, or othe officer, maſter or miſtreſs, having been duly ſummoned to ap pear and anſwer ſuch charge or complaint, the fine or fines imposed, not exceeding the ſum of forty ſhillings, upon ſuc conſtable, overſeer, or other officer, maſter or miſtreſs reſpec tively; by warrant under the hands and ſeals of any two o more of ſuch juſtices aſſembled, at any ſpecial or petty ſeſſions to be levied by diſtreſs and ſale of the goods and chattels of th perſon or perſons ſo offending, rendering the overplus (if any after deducting the amount of ſuch fine or fines, and th charges of ſuch diſtreſs and ſale, to ſuch offender or offenders and, for want of ſuch diſtreſs, ſuch perſon or perſons ſhall b committed to the houſe of correction for any ſpace of time no exceeding ten days; ſuch fine or fines as may be impoſed upo any ſuch conſtable, overſeer, or other officer as aforeſaid, ſhal be applied and diſpoſed of for the relief of the poor of th pariſh, townſhip, or place, where the offenders ſhall reſpective ly reſide, at the diſcretion of the juſtices impoſing the ſame

Application of fines.

and ſuch fine or fines, as may be impoſed upon any ſuch ma ter or miſtreſs, ſhall, at the diſcretion of the juſtices impoſin the ſame, be either ſo applied and diſpoſed of as aforeſaid, o be otherwiſe paid and applied to or for the uſe and benefit o ſuch apprentice, for or towards a recompence or compenſatio for the injury which may have been by him or her ſuſtained b reaſon of ſuch ill uſage.

For want of diſtreſs, offenders may be committed.

Power of appeal to the quarter-ſeſſions.

If any perſon ſhall be aggrieved by the impoſition of ſuc fine or fines as aforeſaid, or by any order or warrant of diſtre for raiſing and levying the ſame, or by the judgment or deter mination of the ſaid juſtices, or by any act to be done i the execution of ſuch warrant of diſtreſs, ſuch perſon or per ſons ſo aggrieved ſhall and may appeal to the next general o quarter-ſeſſions of the peace to be held for the county, riding &c. within which ſuch perſon ſhall reſide; of which appea ten days notice at the leaſt ſhall be given.

No perſons to be deemed treſpaſſers on account of irregularity in proceedings, &c.

No perſon, acting under any ſuch warrant of diſtreſs a aforeſaid, ſhall be deemed a treſpaſſer *ab initio*, by reaſon o any irregularity or informality in ſuch warrant, or in any pro ceedings thereon; but any perſon aggrieved, by the iſſuing o execution of ſuch warrant, may recover the ſpecial damage thereby by him or her ſuſtained, in an action of treſpaſs, or o the caſe, in any of his Majeſty's courts of record.

Where

Where any penalty, forfeiture, fine, or other money, may, by the warrant of any juſtice or juſtices of the peace, be directed to be levied by diſtreſs and ſale of the goods and chattels of any perſon or perſons, if ſufficient diſtreſs cannot be found within the limits of the juriſdiction of the juſtice granting ſuch warrant of diſtreſs, on oath thereof made by one witneſs, before any juſtice of the peace of any other county, riding, diviſion, &c. which oath ſhall be by him certified by indorſement on ſuch warrant, ſuch penalty, forfeiture, fine, &c. or ſo much thereof as may not have been before levied or paid, ſhall and may, by virtue of ſuch warrant and indorſement, be raiſed and levied by the perſon or perſons to whom ſuch warrant of diſtreſs ſhall have been originally directed, by diſtreſs and ſale of the goods and chattels of ſuch perſon or perſons, in ſuch other county, riding, diviſion, &c.; and the money ariſing by ſuch diſtreſs and ſale, ſhall be applied and diſpoſed of for ſuch purpoſes, and in like manner, as if ſufficient goods and chattels of ſuch perſon or perſons had been found within the juriſdiction of the magiſtrate originally granting ſuch warrant; and if no ſuch diſtreſs can be found, ſuch offender or offenders ſhall and may be forthwith proceeded againſt according to law.— No juſtice, who ſhall indorſe any certificate upon, or authorize the execution of any ſuch warrant of diſtreſs, which may not have been granted within his juriſdiction, ſhall be anſwerable or accountable for any irregularity which may have been committed or done in or about the obtaining or granting of ſuch warrant of diſtreſs.

Extent of juriſdiction of juſtices granting warrants.

Juſtices indorſing not anſwerable.

Land-Tax,

Carried into Execution by Commiſſioners.

Juſtices not, as ſuch, concerned in it.

NO perſon ſhall be capable to act as commiſſioner in any county or riding at large (the counties of Merioneth, Cardigan, Carmarthen, Glamorgan, Montgomery, Pembroke, and Monmouth, excepted), unleſs he be ſeized of lands, tenements, &c. which were taxed, or did pay, in the year next before, for the value of 100l. a year of his own eſtate.

Qualification of commiſſioners.

But this ſhall not extend to commiſſioners being inhabitants of cities, boroughs, towns corporate, or cinque ports, or the inns of court or chancery.

Exceptions.

No attorney or ſolicitor, or perſon practiſing as ſuch, ſhall act as commiſſioner, without having 100l. a year as above;

Receiver not to act as a commiſſioner.

nor ſhall any receiver-general, or collector of any aid granted to his majeſty, act as commiſſioner.

Who to act in cities.

If there is not a ſufficient number of qualified commiſſioners within any city or place for which commiſſioners are particularly appointed, the commiſſioners of the county may act therein.

Oaths to be taken.

No commiſſioner ſhall act, until he hath taken the oaths of allegiance, ſupremacy, and abjuration, which ſhall be adminiſtered to him by two or more commiſſioners, on pain of 200l. to the king.

When to meet.

They ſhall meet at the moſt uſual and common places of meeting, on or before April 30.

Number to be appointed.

At which firſt meeting, three or more ſhall be appointed for each diviſion; but this ſhall not reſtrain any commiſſioners from acting in any other part of the county; and they ſhall ſet down in writing, who, and what number of the commiſſioners ſhall act in each diviſion, and ſhall deliver a copy thereof to the receiver-general.

Sums, how charged.

The commiſſioners, at ſuch firſt meeting, ſhall ſet down in writing the ſums to be charged on each diviſion, in proportion to the ſums which were aſſeſſed thereon by the land-tax act, in the fourth year of the reign of *W. & M.*

Abatement of quota.

Where the proportion upon any diviſion ſhall exceed 4s. in the pound, two or more commiſſioners may certify the ſame to the barons of the exchequer, who may order ſo much of the proportion, upon ſuch diviſion, to be abated as exceeds the full ſum of 4s. in the pound, upon the eſtates therein.

Precepts to aſſeſſors.

At the ſame meeting, two or more commiſſioners ſhall direct their ſeveral or joint precepts to ſuch inhabitants, high conſtables, petty conſtables, and others, as they ſhall think moſt convenient, to be preſentors and aſſeſſors, requiring them to appear before the ſaid commiſſioners, at ſuch time and place, not exceeding eight days after the date of ſuch precept, as they ſhall appoint.

Within city limits, &c.

But no perſon in a city, borough, or town corporate, ſhall be compelled to be an aſſeſſor or collector out of the limits thereof.

Aſſeſſor not appearing.

An aſſeſſor not appearing, without lawful excuſe to be made on the oath of two witneſſes; or appearing, and refuſing to ſerve, ſhall forfeit to the king, not more than 5l. nor leſs than 40s.

Charge to aſſeſſors.

The commiſſioners ſhall openly read, or cauſe to be read, to the aſſeſſors, the ſeveral rates, duties, and charges, and declare how and in what manner they ought to make their aſſeſſments, and how to proceed in the execution of the act, viz. to charge all manors, lands, tenements, mines, quarries, &c. iron mills, furnaces, &c. ſalt ſprings, ſalt works, alum mines, &c. parks, chaces, &c. fiſhings, tythes, tolls, &c. with equality and indifference; deducting rent charges and annuities, out of ſuch lands, where they amount to 20s. per annum, or more.

The

The commiſſioners ſhall aſſeſs the aſſeſſors. Aſſeſſors, how aſſeſſed.

Every perſon, whether he hath a certain place of reſidence or not, ſhall be rated for his perſonal eſtate, at the place where he is reſident at the time of the execution of the act: And if he is out of the realm at the time of the aſſeſſment, he ſhall be rated at the place where he was laſt abiding in the realm. Perſons, where rated.

All houſholders ſhall, on demand of the aſſeſſors, give an account of the names and qualities of ſuch perſons as ſhall ſojourn and lodge in their houſes; on pain of 5l. to be recovered as the other penalties. Lodgers to be rated.

In a city or town corporate, perſons having their houſe in one pariſh or ward, and goods in another, ſhall be aſſeſſed for the whole where they inhabit. But if a perſon hath goods in any other county than where he is reſident, or had his laſt reſidence, he may be aſſeſſed for ſuch goods in the county where they are. Perſons rated, where they dwell. Or where their goods are.

Members of parliament ſhall be aſſeſſed for their perſonal eſtate, at their manſion-houſes, or places where they moſt uſually reſide during the interval of parliament. Members of parliament at their manſion-houſes.

Officers ſhall pay for the profits of their offices or employments, where the office is executed, and not where the ſalary is payable; but all other penſions, ſtipends, and annuities, (not charged upon lands) ſhall be aſſeſſed where they are payable. Other payments, where made.

By the 32d *G.* 2. *c.* 33, relating to the duty upon offices, it is provided, that in all future aſſeſſments to the land-tax, ſuch offices ſhall not be aſſeſſed at an higher rate to the land-tax, than they were in the year 1758. Limited tax.

If a perſon, having two places of reſidence, or otherwiſe, ſhall be doubly charged for any perſonal eſtate, office, or otherwiſe; then on certificate of two commiſſioners for the place of his laſt perſonal reſidence, under hand and ſeal, of the ſum charged upon him there, and on oath made of ſuch certificate before a juſtice of the place where the certificate ſhall be made, the perſon ſo doubly charged ſhall be diſcharged elſewhere. Perſon doubly charged.

If any perſon, who ought to be taxed for his perſonal eſtate, ſhall, by changing his place of reſidence, or by any other fraud, eſcape from the taxation, and the ſame be proved before two commiſſioners or one juſtice where ſuch perſon reſides, within one year after ſuch tax made, he ſhall pay treble, to be levied on his lands and goods, on certificate thereof made into the exchequer by ſuch juſtice or commiſſioners. Fraudulent evaſion.

Every perſon ſhall be aſſeſſed for lands where they lie, and not elſewhere. And ſuch tax ſhall be paid by the tenant, who ſhall deduct it out of his rent: And if any difference ſhall ariſe between landlord and tenant, the commiſſioners, or two of them, ſhall ſettle the ſame. The tax on foreign miniſters' houſes ſhall be paid by the landlord. Lands, where aſſeſſed.

Every papiſt, or reputed papiſt, being 18 years of age, and upwards, who ſhall not have taken the oaths of allegiance and ſupremacy, Papiſt, double tax.

ſupremacy, as directed by 1 *W.* c. 8, ſhall pay double: unleſs he take the ſaid oaths, before two commiſſioners, in ten days after the firſt meeting.

Refuſing to take the oaths, double.

Alſo every perſon (whether papiſt or not), being 18 years old and upwards, and not having taken the ſaid oaths, and upon ſummons under hand and ſeal of two commiſſioners, refuſing to take them, or neglecting to appear, ſhall pay double in like manner.

Quakers ſubſcribe.

But quakers refuſing to take the oaths, ſhall not pay double, if they ſhall make and ſubſcribe the declaration of fidelity in the act of 1 *W.* c. 18.

Aſſeſſments in writing.

After the charge given, the commiſſioners ſhall appoint a day and place for the aſſeſſors to appear before them, and to bring in aſſeſſments in writing

Aſſeſſor refuſing.

The aſſeſſor, after he is appointed, neglecting or refuſing to ſerve, or not appearing at the third meeting, without lawful excuſe, to be proved on oath of two witneſſes, or not performing his duty, ſhall forfeit to the king any ſum not exceeding 40l. to be levied as the rates, and charged to the receiver-general.

Collectors named.

The aſſeſſors ſhall deliver two duplicates of the aſſeſſment in writing, ſigned by them, to the commiſſioners. And ſhall then alſo return the names of two or more able and ſufficient perſons, living within the places where they ſhall be chargeable reſpectively, to be collectors; for whom the pariſh or place ſhall be anſwerable.

Duplicates ſigned.

Then three or more commiſſioners ſhall ſign and ſeal two duplicates of the aſſeſſments, and deliver one of them to the collectors (whom they ſhall nominate and appoint), with warrant to the ſaid collector to collect the ſame. And they ſhall at the ſame time give notice, at what time and place appeals may be heard and determined; which ſhall be at leaſt 30 days from the time of ſigning and ſealing, and delivering the duplicate to the collectors.

Notice to be given.

Every collector ſhall, within ten days after the receipt of the duplicates, cauſe public notice to be given in every pariſh church or chapel within his diſtrict, immediately after divine ſervice on the Lord's day, of the time and place ſo appointed by the commiſſioners for hearing and determining appeals:—And ſhall alſo, on the ſame day, cauſe the like notices to be fixed in writing on the door of ſuch church or chapel.

Appellant to give notice.

Every perſon intending to appeal, ſhall give notice thereof in writing to one or more aſſeſſors, that they may attend, if they think fit, to juſtify the aſſeſſment. In caſe of any controverſy which concerns any commiſſioner, ſuch commiſſioner ſhall have no voice, but ſhall withdraw until it be determined; on pain of any ſum not exceeding 20l. to be levied and paid as the other fines. Appeals once heard and determined on the appeal-day ſhall be final.

The

The collectors shall make demand of the parties themselves if they can be found, or else at the place of their last abode, or upon the premises charged. And if any person shall refuse or neglect to pay to the collector on demand, he may levy the same by distress and sale of the goods of the person so neglecting or refusing. And the distress so taken, may be kept for four days, at the charges of the owner; and if not paid in four days, then the distress shall be appraised by two inhabitants or other sufficient persons, and sold by the collector, returning the overplus immediately (if any be), over and above the tax, and charge of taking and keeping the distress. If any difference shall arise upon taking the distress, the same shall be determined and ended by two commissioners. Collector's power.

If any person shall refuse or neglect to pay, for ten days after demand, or shall convey his goods away, so that distress cannot be made, he shall be committed (unless he is a peer) by warrant of two commissioners to the common gaol, until payment of the money assessed, and of the charges for bringing in the same. Conveying goods away.

Arrears may be levied by the present commissioners, in the same manner as the present tax. And where lands or houses are unoccupied, and no distress can be found thereon, the collectors for the time being may distrain at any time after; and shall distribute the money to those who contributed to make it up. Arrears levied.

The collector shall pay the money received to the receiver-general or his deputy, quarterly; but shall not be obliged to travel above ten miles from his usual place of abode. Payment quarterly.

At every time and place appointed by the commissioners for the collectors to pay the money to the receiver-general, he shall deliver a list of the money received by him, to such person as two or more commissioners shall, under their hands, appoint; on pain of forfeiting a sum not exceeding 20l. to be paid into the exchequer, as the fines on assessors and collectors. List of money received.

The collectors shall have 3d. in the pound, for collecting and giving receipts, which they may detain out of the last payment. Collector's allowance.

If the collector shall keep in his hands any part of the money by him collected, longer than the time limited, or shall pay any part of it to any other person than to the receiver-general, or his deputy, he shall forfeit 40l. If any collector shall refuse or neglect to pay any sum by him received, and shall not pay the same as the act directs, two commissioners may imprison him, and may seize all estates to him belonging, or which shall come to his heirs, executors, or administrators. Which said commissioners may appoint a general meeting of the commissioners, and shall give public notice thereof at least six days before; and the commissioners, at such general meeting, may sell such estates, or any part thereof, for payment. Not paying how dealt with.

The

Collectors making default.

The commiſſioners, at any general meeting, may ſumm collectors who have fraudulently converted land-tax money their own uſe, and cauſe them to pay the ſame, to make the deficiency, if there is any in that place; and if there is deficiency, then to diſcharge ſo much of the proportion cha ged on ſuch place, as that money doth amount to: And ſuch collector ſhall neglect or refuſe ſo to pay, the commi ſioners may impriſon him, and ſeize and ſell his eſtate for pay ment. If through wilfulneſs, neglect, miſtake, or acciden the aſſeſſment ſhall not be paid to the receiver-general or h deputy, the ſame ſhall be re-aſſeſſed upon ſuch diviſion. If th

Receiver's duty.

receiver-general ſhall return any perſons in arrear who hav paid, he ſhall forfeit treble damages to the party, and doubl the ſum unjuſtly certified, to the king. No receiver ſhall re turn any place in arrear, after three years; but the ſame ſha be a debt on him and his ſecurities. No receiver-general, o any of his agents, ſhall maintain an action againſt the hun

When the hundred may be ſued.

dred, on account of being robbed in carrying the money; un leſs they be together in company, and in number three at th leaſt. The receiver-general, within twenty days after receipt ſhall pay the money into the exchequer. Which, if he ſhal pay otherwiſe than into the exchequer, or not within the time limited; he ſhall forfeit 500l. to him who ſhall ſue.

Duplicate of ſum aſſeſſed.

The commiſſioners, on or before Auguſt 8, or in twenty days after (all appeals being firſt determined), ſhall cauſe to be delivered to the receiver-general, or his deputy, a ſchedule or duplicate in parchment under their hands and ſeals, containing the whole ſum aſſeſſed upon each pariſh or place; and ſhall tranſmit a like ſchedule or duplicate into the king's remembrancer's office in the exchequer; for which the remembrancer, or his deputy, ſhall give a receipt gratis, on pain of 10l. The commiſſioners ſhall diſtinguiſh and ſet down the groſs ſum charged in any diviſion for double taxes, that it may

Double taxes ſet down.

be known how much the double taxes amount to in ſuch diviſion. By the 18 *G.* 2. *c.* 18, which requires that no perſon ſhall vote in the election of a knight of a ſhire, for any lands which have not been aſſeſſed to the land-tax for twelve calendar months next before, it is enacted, that the commiſſioners, or three of them, ſhall ſign and ſeal a duplicate of the copies of the aſſeſſments to be delivered to them by the aſſeſſors, after

Duplicate to the clerk of the peace.

all appeals determined, and cauſe the ſame to be delivered to the clerk of the peace, to be kept amongſt the records, and inſpected by any perſon without fee.

Clerk's fees.

The commiſſioners' clerks, for their trouble in writing the aſſeſſments, duplicates, and copies, and all warrants, orders, and inſtructions relating thereto, ſhall have 1½d. in the pound, to be paid by the receiver-general, according to the warrant of two commiſſioners.

Clerks dying.

On the death or removal of the commiſſioners' clerks, ſuch clerks ſo removed, or the executors or adminiſtrators of ſuch clerk

clerk dying, shall, within one calendar month after notice in writing, signed by three or more commissioners, or a true copy thereof given or left at the usual place of abode of such person or persons, deliver up all books and papers to such person or persons as the said commissioners shall, by such notice, appoint; on pain of 50l. with full costs; half to the receiver-general in aid of the land-tax, and half to him who shall sue.

Assessors, &c. how punished.

If any assessor, collector, or other person, shall wilfully neglect or refuse to perform his duty, or shall be guilty of fraud or abuse, three or more commissioners may fine him, not exceeding 40l. which shall not be taken off, but by a majority of the commissioners who imposed it; to be levied by warrant of the said commissioners, by distress and sale; in default of distress (if not a peer), to be committed to prison by two commissioners till payment. And all fines shall be paid to the receiver-general, and paid by him into the exchequer, and shall be inserted in the duplicates to be transmitted into the office of the king's remembrancer.

Fines, to whom paid.

Larceny

COMES from *latrocinium*, *latrociny*; and, by contraction, or rather abuse, larceny.

3 *Inst.* 107. Whence derived.

Grand larceny is a felonious and fraudulent taking, and carrying away, by any person, of the mere personal goods of another, above the value of 12d.

1 *Haw.* 89. Grand larceny.

A justice of the peace, before whom an offender shall be brought for petty larceny out of sessions, may not punish the said offender by his discretion, and so let him go; but must have him committed or bailed, to the intent he may come to his trial, as in cases of other felonies: And if, upon his trial, the jury shall find the goods stolen to exceed 12d. in value, the offender shall have judgment to die for the fault.

Dalt. c. 154. Justice's duty.

All petty larceny is felony, and consequently requires the word *feloniously* in an indictment for it; yet it is certain, that it is not punishable with the loss of life or lands, but only with the forfeiture of goods, and whipping, transportation, or other corporal punishment.

1 *Haw.* 95. Petty larceny, how far punishable.

If the goods are taken from a man's person, and if it is attended with putting him in fear, it is called robbery: if it is without putting him in fear, then it is called barely larceny from the person.

Id. When robbery.

If it is done privily without his knowledge, by picking of pockets, or otherwise, it is excluded from the benefit of clergy by the 8 *El. c.* 4. (that is, if the thing stolen be above the value of 12d.)

Pickingpockets.

If it is done openly and avowedly before his face, it is within the benefit of clergy, except where it is committed in a dwelling-

1 *Haw.* 97. If open and avowed.

ling-houſe, or outhouſe thereunto belonging, to the value o 40s. from which the benefit of clergy is taken away.

3 *W. c.* 9. Houſe robbing by day, if any perſon be in it.

Every perſon that ſhall felonioufly take away any goods being in a dwelling-houſe, any perſon being therein, and pu in fear, or ſhall rob any dwelling-houſe in the day time, an perſon being therein, he, his comforters and abettors, ſhall b guilty of felony without benefit of clergy.

39 *El c.* 15. If no perſon be in the houſe.

Every perſon who ſhall be convicted of felonioufly takin away in the day time any money or goods of the value of 5 from any dwelling-houſe, or outhouſe thereunto belongin and uſed to and with the ſame, although no perſon be therei ſhall be guilty of felony without benefit of clergy.

1 *H. H* 548. Actual breaking.

This requires an actual breaking, and not entering by th doors being open.

12 *An. ſt.* 1. *c.* 7. Stealing 40s.

Every perſon that ſhall felonioufly ſteal any money, good or merchandizes, to the value of 40s. being in any dwellin houſe or outhouſe thereunto belonging, although it be n broken open, nor any perſon be therein, ſhall be guilty of f ony without benefit of clergy.

1 *Ed.* 6. *c.* 12. Houſe breaking in the day.

Every perſon who ſhall be convicted of breaking any hou in the day time, any perſon being therein, and put in fea ſhall be guilty of felony without benefit of clergy.

1 *H. H* 548. to commit felony.

But it requires not only an actual breaking, and putting i fear, but alſo an entry with an intent to commit felony, an is ſo to be laid in the indictment.

Entering coach-houſe, &c.

Every perſon that ſhall, by night or by day, in any ſho warehouſe, coach-houſe, or ſtable, privately and felonious ſteal any goods, wares, or merchandizes, to the value of 5 although it be not broken open, nor any perſon be therei ſhall be guilty of felony without benefit of clergy.

10 & 11 *W. c.* 23. Reward for apprehending.

Every perſon who ſhall apprehend any one guilty of brea ing open houſes in a felonious manner; or of privately a felonioufly ſtealing goods, wares, or merchandizes, of the v lue of 5s. in any ſhop, warehouſe, coach-houſe, or ſtabl though they be not broken open, and although no perſon therein to be put in fear, and ſhall proſecute him to convi tion, ſhall have a certificate without fee, under the hand of t judge, juſtice, or juſtices, before whom ſuch conviction ſh be had, certifying ſuch conviction, and within what pariſh place the felony was committed, and alſo that ſuch felon w diſcovered and taken, or diſcovered or taken, by the perſon diſcovering or apprehending; which certificate may be divi ed into ſhares, if the judges think fit: And the ſaid certifica may be once aſſigned over, and no more; and the origin proprietor, or the aſſignee of the ſame, ſhall, by virtue there be diſcharged from all manner of pariſh and ward offices, wit in the pariſh or ward where the felony was committed.

Virtue of certificate.

5 *An. c.* 31. 40l. reward.

And, on tender of ſuch certificate to the ſheriff, and d mand made, he ſhall pay to the perſon, ſo entitled, the ſu of 40l. without fee, within one month after ſuch tender a demand; on pain of forfeiting double, with treble coſts.

A

And if any watchman, or other perſon, be killed in endeavouring to apprehend any ſuch houſebreaker, his executors or adminiſtrators ſhall have a certificate delivered under the hand and ſeal of the judge, or of the two next juſtices, of ſuch perſon being ſo killed; which certificate they ſhall, upon ſufficient proof before them made, give without fee; whereupon ſuch executor or adminiſtrator ſhall be entitled to receive the like ſum of 40l. in like manner. *5 An. c. 31. Watchmen's executors.*

And moreover, if any perſon being out of priſon, ſhall commit any ſuch houſebreaking in the day time as aforeſaid, and afterwards diſcover two or more the like offenders, ſo as they be convicted, he ſhall have the like reward and allowance of 40l. and alſo all other advantages which are given to perſons who ſhall apprehend and convict any the like offenders; and ſhall alſo have the king's pardon for all burglaries, robberies, and felonies (except murder and treaſon) by him committed before ſuch diſcovery made. *Id. Diſcovery of two or more offenders.*

Perſons found guilty of robbing any perſon in any booth or tent, in any fair or market, the owner, his wife, children, or ſervants being within, ſhall ſuffer as felons without benefit of clergy. *5 & 6 Ed. 6. c. 9. Robbing in a booth, &c.*

All perſons who ſhall feloniouſly ſteal any goods or merchandize of the value of 40s. upon any navigable river, or from off any wharf or quay adjacent, ſhall be guilty of felony without benefit of clergy. *24 G. 2. c. 45. or on any river, &c.*

It ſhall be felony without benefit of clergy, to ſteal goods to the value of 40s. out of an houſe, though the houſe be not broken open; but this ſhall not extend to apprentices under 15 years of age. *12 An. ſt. 1. c. 7. Exemption as to apprentices.*

If any perſon ſhall buy or receive any ſtolen goods, knowing the ſame to be ſtolen; he ſhall be deemed an acceſſary after the fact, and ſuffer accordingly. *3 W. c. 9. Receiving ſtolen goods.*

If any perſon ſhall buy or receive any ſtolen goods, knowing them to be ſtolen, or ſhall receive, harbour, or conceal any felons or thieves, knowing them to be ſo, he ſhall be deemed acceſſary to the felony, and being convicted on the teſtimony of one witneſs, ſhall ſuffer death as a felon convict. *5 An. c. 31. Harbouring thieves.*

Perſons convicted of receiving or buying ſtolen goods, knowing them to be ſtolen, may be tranſported for 14 years. *4 G. c. 11. Receiver tranſported.*

Every perſon who ſhall privately buy or receive any ſtolen lead, iron, copper, braſs, bell-metal, or ſolder, by ſuffering any door, window, or ſhutter to be left open or unfaſtened, between ſun-ſetting and ſun-riſing, for that purpoſe; or ſhall buy or receive any of the ſame at any time in any clandeſtine manner, ſhall, on conviction by due courſe of law, although the principal felon hath not been convicted, be tranſported for 14 years. *29 G. 2. c. 30. Lead, iron, &c. received.*

And one juſtice, on complaint on oath by any credible perſon, that there is cauſe to ſuſpect that ſtolen lead, iron, copper, braſs, bell-metal, or ſolder, is concealed in any dwelling-houſe, *Search for lead, &c.*

houſe, or other place, may, by his warrant, cauſe ſuch plac to be ſearched in the day time: And if any of the ſame, ſuſ pected to be ſtolen, ſhall be found therein, may cauſe th ſame, and the perſon in whoſe houſe or other place the ſam ſhall be found, to be brought before two juſtices.

29 G. 2. c. 30. Receiver, how puniſhed.

And if the perſon, ſo apprehended, ſhall not give an ac count to the ſatisfaction of ſuch juſtices, how he came by th ſame, he ſhall be adjudged guilty of a miſdemeanor, and ſha forfeit, for the firſt offence, 40s. for the ſecond, 4l. and fo every ſubſequent offence, 6l. In which caſe, two juſtices ma cauſe the ſaid materials to be depoſited with the churchward ens or overſeers for thirty days, and may order the ſaid church wardens or overſeers, or one of them, in every pariſh withi the bills of mortality, to inſert an advertiſement in ſome pub

Goods adver-tiſed.

lic paper; and elſewhere cauſe notice to be given by ſome pub lic crier, and by fixing, on the church or chapel door, notic deſcribing ſuch materials, and where depoſited: And if an perſon can prove his property thereto, upon oath, to the ſatiſ faction of ſuch two juſtices, they ſhall order reſtitution thereo to the owner, after paying reaſonable charges. And if, a the end of the thirty days, no perſon ſhall prove his propert

Sold, if not owned.

thereto, the ſame ſhall be ſold for the beſt price that can rea ſonably be had; and after deducting the charges, half of th money ſhall be given to the perſon apprehending, and half t the poor of the pariſh where the offence ſhall be committed, o where the conviction ſhall be.

Pawnbroker's duty.

And every perſon to whom any of the ſame ſhall be brough and offered to be ſold, pawned, or delivered (there being rea ſonable cauſe to ſuſpect that the ſame was ſtolen), ſhall appre hend, ſecure, and carry before a juſtice (having it in his powe ſo to do) the perſon ſo bringing or offering the ſame, togethe with the ſaid materials: And if it ſhall appear upon the oat of one perſon, notwithſtanding he was concerned in ſtealin the ſame, to the ſatisfaction of two juſtices, that there was rea ſonable cauſe to ſuſpect that the ſame was ſtolen, and that th perſon to whom the ſame was brought or offered did not (hav ing it in his power ſo to do) apprehend, ſecure, and carry be fore a juſtice, the perſon who brought or offered the ſame; then the perſon to whom the ſame was brought or offered, ſhall b

Penalty for not ſecuring of-fender.

adjudged guilty of a miſdemeanor; and ſhall forfeit, for th firſt offence, 20s. for the ſecond, 40s. and for every ſubſequen offence, 4l. by diſtreſs; half to the informer, and half to th overſeers, for the uſe of the poor where the offence was com mitted (if known), or otherwiſe, where the conviction ſhall be And if no ſufficient diſtreſs ſhall be found, then to be commit ted to the common gaol or other priſon for one month for th firſt offence, for the ſecond, and every ſubſequent offence, till diſcharged by order of ſeſſions.

Conviction cer-tified.

The conviction to be on parchment, and to be certified t the next ſeſſions, and there filed.

If

If any perſon who ſhall offer by way of pawn, pledge, exchange, or ſale, any goods, ſhall not be able, or ſhall refuſe to give a ſatisfactory account of himſelf, or of the means by which he became poſſeſſed thereof, it ſhall be lawful to ſeize and detain ſuch perſon, and the ſaid goods, and to deliver him as ſoon as conveniently may be, into the cuſtody of the conſtable or other peace officer, who ſhall immediately convey ſuch perſon and the ſaid goods before a juſtice; and if ſuch juſtice ſhall, upon examination and enquiry, have cauſe to ſuſpect that the ſaid goods were ſtolen, or illegally or clandeſtinely obtained, he may commit him to ſafe cuſtody for any time not exceeding ſix days, in order to be farther examined: And if, upon either of the ſaid examinations, it ſhall appear to the ſatisfaction of ſuch juſtice, that the ſaid goods were ſtolen, or illegally or clandeſtinely obtained, he ſhall commit the offender to the common gaol or houſe of correction, there to be dealt with according to law.—See Pawnbrokers.

30 *G.* 2. *c.* 24. Suſpected perſon may be ſeized, with goods.

Leather.

ALL forfeitures by the act of 1 *J.* *c.* 22, not hereafter otherwiſe ſpecially directed, ſhall be divided, one third to the king, one third to him that ſhall ſue, and one third to the city, town, or lord of the liberty.

Diviſion of forfeitures.

Any two juſtices near where the forfeitures on the ſaid act ſhall be incurred, or offence committed, may hear and determine the ſame; and iſſue warrants for levying the penalties, and cauſe the diſtreſs to be ſold, if not redeemed in ſix days.—And if either party is not ſatisfied with the judgment, he may appeal to the next ſeſſions.

9 *An.* *c.* 11. Before two juſtices.

If any currier ſhall refuſe to curry any leather brought or ſent to him by any perſon dealing or working in leather, or ſhall neglect to curry the ſame in ſixteen days, between Sept. 28, and March 25, and in eight days in the remaining part of the year, he ſhall, on conviction before one juſtice, on the oath of one witneſs, forfeit any ſum not exceeding 5l. by diſtreſs; half to the informer, and half to the poor. Perſons aggrieved may appeal to the next ſeſſions.

12 *G.* 2. *c.* 25. Currier refuſing to curry leather, forfeits 5l. Power of appeal.

If any foreign manufactured leather gloves or mitts ſhall be imported, the ſame ſhall be forfeited, and may be ſearched for and ſeized by any officer of the cuſtoms or exciſe: And every perſon importing the ſame, or aiding therein, or being a vender or retailer of any kind of leather gloves or mitts, in whoſe poſſeſſion any ſuch foreign manufactured leather gloves or mitts ſhall be found; or who ſhall ſell or expoſe the ſame to ſale; or conceal the ſame with intent to prevent the forfeiture; ſhall, over and above the forfeiture of the ſaid goods, and all intereſt he may have therein, forfeit alſo 200l. with double coſts.

6 *G.* 3. *c.* 19. Foreign gloves forfeited. Retailer's penalty.

6 G. 3. c. 19. Two juſtices out of the bills of mortality.

If the ſeizure ſhall be out of the limits of the bills of mortality, and not exceed the value of 20l. two juſtices may hear and determine the ſaid cauſe of ſeizure of the ſaid goods.—Half the produce, ariſing by the ſale, to go to the king, and half to the officer who ſhall ſeize and ſecure the ſame.

Id. Informer indemnified.

If any perſon, in whoſe poſſeſſion ſuch goods ſhall be found (ſuch perſon not importing or concealing the ſame), ſhall diſcover upon oath, before one juſtice, the perſon who ſold the ſame to him, ſo as ſuch vender may be convicted, he ſhall be indemnified.

Lecturer.

13 & 14 C. 2. c. 4. Penalty, if unlicenſed.

LECTURERS in churches, unlicenſed, and not conforming to the liturgy, ſhall be diſabled, and ſhall alſo ſuffer three months' impriſonment in the common gaol; and two juſtices (or the mayor in a town corporate) ſhall, upon certificate from the ordinary, commit them accordingly.

Lewdneſs.

2 *Haw.* 64. Lewd perſons to find ſureties.

UPON information given to a conſtable, that a man and woman are in adultery or fornication together, or that a man and woman of evil report are gone to a ſuſpected houſe together in the night, the officer may take company with him, and if he finds them ſo, he may carry them before a juſtice, to find ſureties for their good behaviour.

Libel.

Wood, b. 3. 3. Libel defined.

A LIBEL is a malicious defamation of any perſon, expreſſed either in printing or writing, ſigns or pictures, to aſperſe the reputation of one that is alive, or the memory of one that is dead.

32 G. 3. c. 60.

On every trial for making or publiſhing a libel, the jury ſworn to try the iſſue may give a general verdict of guilty or not guilty, upon the whole matter put in iſſue, and ſhall not be directed by the court or judge to find the defendant guilty, merely on the proof of publication of the paper charged to be a libel, and of the ſenſe aſcribed to the ſame in the indictment or information. But the court or judge ſhall, according to diſcretion, give opinion and directions to the jury on the matter in iſſue, as in other criminal cauſes; the jury may find a ſpecial verdict; and if the jury ſhall find the defendant guilty, the defendant may move an arreſt of judgment.

Licence

FROM July 5, 1787, the following additional duties shall be paid on licences for retailing spirituous liquors, viz. 27 G. 3. c. 30.

If the rent of the retailer's house, &c. be	l.	s.
under 15l.	2	8
If 15l. and under 20l.	2	16
If 20l. and under 25l.	3	4
If 25l. and under 30l.	3	12
If 30l. and under 40l.	4	0
If 40l. and under 50l.	4	8
If 50l. or upwards,	4	16

Licence paid for by instalments.

Every person who shall take out such licence, shall immediately pay down one eighth part of the money to be paid for such licence, and shall, at the end of every six weeks, to be reckoned from the time of taking out such licence, pay down another eighth part of the money, till the whole of the money for such licence shall be paid.

By whom granted.

If any such licence shall be taken out within the limits of the chief office of excise in London, the same shall be granted under the hands and seals of two or more of the commissioners of excise, or of such person or persons as they, or the major part of them, shall appoint; and the duties shall be paid at the chief office of excise in London; but if not within the said limits, the same shall be granted under the hands and seals of the several collectors and supervisors of excise, within their respective collections and districts; and the said duties shall be paid for the same to the collector of excise within whose collection such licence shall be granted: Within the limits of the city of Edinburgh, the same shall be granted under the hands and seals of two or more of the commissioners of excise in Scotland, or of such person or persons as the commissioners of excise in Scotland, or the major part of them, shall appoint; and the several duties for the same shall be paid at the chief office of excise in Edinburgh; or if any such licence shall be taken out in Scotland without the said limits of Edinburgh, then the same shall be granted under the hands and seals of the several collectors and supervisors of excise in Scotland, within their respective collections and districts; and the several duties for the same shall be paid to the collector of excise within whose collection such licence shall be so granted; and such commissioners of excise, or two or more of them, are hereby authorised and required to grant such licences to the persons who shall apply for the same, upon payment of one eighth part of the money hereby directed to be paid for the same.

Renewed ten days before the end of the year.

No person shall retail any distilled spirituous liquors or strong waters, unless such person or persons shall take out a fresh licence ten days at least before the expiration of twelve months from the time of taking out such former licence: If any person or persons shall, after the said fifth day of July, 1787, retail any distilled spirituous liquors or strong waters, without

27 G. 3. c. 30. Penalty for neglect.

without first taking out such licence, and renewing the same yearly; or if default shall be made in payment of any sum of sums of money hereby directed to be paid for any such licence the person or persons so offending shall, for every such offence forfeit the sum of 100l.

Licence for only one house.

One licence shall be deemed sufficient for a partnership in one house, but no such licence shall authorise the sale of liquors in any other house than the one for which it was granted.

Who manage the duties.

The duties imposed by this act are to be under the management of the commissioners of excise in England and Scotland respectively; and all the powers of any acts now in force, relating to the revenues of excise, are to extend to this act.

Excise laws extend to this act. Penalties applied.

The penalties of this act are to be recovered as those by other laws of excise; and one moiety shall be paid to his majesty, and the other to the informer who shall sue for the same.

Money, where paid.

The money arising from the duties here imposed is to be paid into the exchequer, and carried to the consolidated fund.

Limitation of action.

Any action or suit against any person or persons, in pursuance of this act, shall be commenced within three months next after the matter or thing done, and shall be laid in the proper county: And if a verdict shall pass for the defendant, or the plaintiff shall become nonsuited, or discontinue the action or prosecution, or judgment shall be given against him or her then such defendant shall have treble costs awarded against such plaintiff.

Treble costs.

Licences for Dealers in Brandy.

29 G. 3. c. 63.

WHEREAS by an act made in the 27th year of the reign of his present Majesty, it is enacted, that, from and after July 5, 1789, there should be raised, collected, and paid unto and for the use of his Majesty, his heirs and successors, the several and respective sums in the said act mentioned, upon all licences to be taken out by all persons who shall retail any distilled spirituous liquors, or strong waters, within Great-Britain: It is hereby enacted, that persons who have taken out licences for retailing spirituous liquors, giving a month's notice to the supervisor of excise, of their intention to leave off retailing such liquors, are not to be liable to the payment of any money imposed by the said act, after they shall have so left off; but no person shall be entitled to the re-payment of any sum actually paid.

What persons exempt from further payments.

Penalty on unlicensed dealers.

From Oct. 10, 1789, persons dealing in brandy without being licensed according to the act 24 G. 3. s. 2, c. 41, not being retailers, rectifiers, or distillers, shall forfeit 100l. for each and every offence.

Licences

Licence for retailing Wine and Spirituous Liquors.

FROM October 10, 1790, the recited duties under former acts to ceaſe, except as to arrears and fines; and from that day licences granted to ſell wine or ſpirits by retail, are to be void. Perſons, whoſe licences ſhall be ſo voided, are to be allowed a rateable proportion for the time unexpired, on taking out new licences. From October 10, 1790, retailers of wine and ſpirits, are to take out licences, if within the limits of the chief office of exciſe in London, under the hands and ſeals of two or more of the commiſſioners of exciſe in England for the time being, or of ſuch perſons as they, or the major part of them, ſhall appoint for that purpoſe; but if in any part of the kingdom of England, not within the ſaid limits, under the hands and ſeals of the collectors and ſupervifors of exciſe, within their reſpective collections and diſtricts.

30 *G.* 3. *c.* 38. Allowance on taking new licences.

Of whom to be had.

Perſons applying for licences to pay as follows, viz.

	£.	s.	d.
For every licence to retail foreign wines in England, if the party has not a ſpirits' or beer licence, -	5	4	0
And if the party has a beer licence, but not one for ſpirits, - - - -	4	4	0
If he has alſo a ſpirits' licence, - -	2	4	0
For every licence to retail Britiſh-made wines in Great Britain, - - -	2	4	0
For every licence to retail foreign wines in Scotland, if the party has not a ſpirits' or beer licence,	3	6	8
If he has a beer licence, but not one for ſpirits, -	2	13	4
If he has alſo a ſpirits' licence, - -	1	6	8
For every licence to retail ſpirits in Great Britain, if the party's houſe be rated under 15l. -	4	14	0
If rated at 15l. and under 20l. - -	5	2	0
If at 20l. and under 25l. - - -	5	12	0
If at 25l. and under 30l. - -	5	18	0
If at 30l. and under 40l. - - -	6	6	0
If at 40l. and under 50l. - - -	6	14	0
And if at 50l. or upwards, - - -	7	2	0

Rates of payment for licences.

The money for licences is to be paid within the limits of the chief office of exciſe in London, at the ſaid chief office of exciſe; and for licences taken out in any part of Great Britain, not within the ſaid reſpective limits, to the reſpective collectors of exciſe granting ſuch reſpective licences. Licences are to continue in force till October 10 enſuing the granting thereof; and if granted between April 5, and October 10, a rateable proportion only is to be charged.

Money, to whom payable.

No perſon ſhall retail any foreign wine, or any Britiſh-made wines or ſweets, or any diſtilled ſpirituous liquors, or ſtrong waters, after the expiration of ſuch his or her licence, unleſs ſuch perſon ſhall take out a freſh licence for the like purpoſe,

Penalty on ſelling without licence.

ten

30 G. 3. c. 38.

ten days at leaſt before the expiration of ſuch former licence and ſo in like manner, from year to year; and if any perſon or perſons ſhall retail any foreign wine, or any Britiſh-made wine or ſweets, or any diſtilled ſpirituous liquors, or ſtrong water without firſt taking out a licence, and renewing the ſame, he ſhe, or they ſhall, for every ſuch offence, forfeit the ſum of fifty pounds.

Executors may go on.

On death or removal of licenſed perſons, the commiſſioners of exciſe, &c. may authoriſe the executors or aſſignees to carry on the trade for the remainder of the term. One licence ſhall be deemed ſufficient for a partnerſhip in one houſe. No licence ſhall authoriſe the ſale of wine, &c. in any other houſe than that for which it was granted.

Univerſities, &c. exempted.

Nothing herein contained ſhall be prejudicial to the privileges of the two univerſities, in that part of Great Britain called England, or either of them, nor to the vintner's company nor any town corporate.

Vintners.

Only the freemen of the vintner's company by right of patrimony, or apprenticeſhip, ſhall be exempt from taking out a licence.

St. Alban's.

Letters patent for licenſing taverns at St. Alban's, are confirmed by this act.

To whom granted.

No licence to retail foreign wines, &c. ſhall be granted to any perſon or perſons, except to ſuch perſons to whom a licence might lawfully be granted by the ſeveral acts of Parliament in force immediately before the paſſing of this act.

Who deemed retailers.

All and every perſon and perſons, who ſhall ſell, or expoſe to ſale, any foreign wine, in any leſs quantity, than ſhall be equal to the meaſure or quantity, in which the ſame ſhall have been, or may be lawfully imported by way of merchandize, ſhall be deemed and taken to be a retailer or retailers of foreign wine within the meaning of this act.

Fines, &c. how recovered and applied.

All fines, penalties, and forfeitures, impoſed by this act, ſhall be ſued for, recovered, or mitigated, as any fine, &c. by any law or laws of exciſe; and one moiety ſhall be to his Majeſty, his heirs and ſucceſſors, and the other moiety to him or them, who ſhall inform, diſcover, or ſue for the ſame.

Former acts repealed.

From October 10, 1790, the acts, which authorize the commiſſioners of ſtamps to grant licences; and which authoriſe the commiſſioners of exciſe to grant licences, are repealed.

Former acts in force.

The powers of former acts, relating to the retailing of wine, &c. (unleſs hereby altered) are to extend to this act; and all the powers of 12 *Car.* 2, *cap.* 24, or of any other act relating to the exciſe.

Line

ANY perſon, native or foreigner, may, without paying any thing, in any place privileged or unprivileged, corporate or not corporate, ſet up and exerciſe the occupation of making or whitening of thread; as alſo of ſpinning, weaving, making, whitening, or bleaching any cloth made of hemp or flax only. And all foreigners that ſhall uſe any of the trades aforeſaid three years, ſhall (taking the oaths of allegiance and ſupremacy before two juſtices near unto their dwellings) enjoy privileges as natural born ſubjects. 13 G. 2. c. 13. Open to all. Foreigner's privilege, reſpecting it.

If any perſon ſhall do any act with any linen cloth, whereby it ſhall be made worſe, the ſaid cloth ſhall be forfeited, and the offender puniſhed by one month's impriſonment at the leaſt, and pay ſuch fines as the juſtices ſhall aſſeſs. And the judges of aſſize, and juſtices of the peace, or three of them, (1 Q.) may hear and determine the ſame in their ſeſſions, by information, indictment, or upon the traverſe of any preſentment or indictment found before them. And if any perſon ſhall ſeize any ſuch deceitful linen cloth, he ſhall, at the next ſeſſions, or before two juſtices (1 Q.) make due information of the offence and of the ſeizure, or elſe ſhall procure the offender to be indicted at the next ſeſſions; and ſhall alſo be bound, by recognizance or obligation, to purſue the ſame with effect, and to pay the moiety of what he ſhall recover, to the ſheriff or other accountant to the uſe of the king; and the other half ſhall go to the informer or proſecutor. And the juſtices, before whom the offence ſhall be tried, ſhall certify the ſame by eſtreat into the exchequer yearly at Michaelmas, as they do other eſtreats. 1 El. c. 12. Damaging it. Offender indicted.

If any perſon ſhall affix counterfeit ſtamps on cloth, he ſhall forfeit 5l. for each piece: And if any perſon ſhall expoſe, or pack up for ſale, any ſuch linens, knowing them to be ſo ſtamped, he ſhall forfeit the ſame, and alſo 5l. for each piece. 17 G. 2. c. 36. Falſe ſtamps.

And one juſtice may convict the offender on the oath of one witneſs, and may grant his warrant for diſtreſs and ſale; and for want of ſufficient diſtreſs, on oath by the perſon executing the warrant, may commit him to gaol for ſix months, unleſs it be paid ſooner; which penalty ſhall go to the informer, deducting 2s. in the pound to be paid to the conſtable who ſhall execute the warrant. *Id.* How puniſhed.

Whoever ſhall ſteal any linen, callico, cotton, fuſtain, &c. expoſed to be whitened, bleached, &c. to the value of ten ſhillings; or ſhall aid or hire any other to commit ſuch offences; or who ſhall buy or receive ſuch goods, knowing them to be ſtolen, ſhall be declared, on being lawfully convicted, guilty of felony, and ſhall ſuffer death. 18 G. 2. c. 27. Stealing linen from bleaching ground.

No perſon ſhall wear any cambrick or French lawn, on pain of 5l. to be paid to the informer, on conviction by oath of one witneſs before one juſtice; who ſhall, on information on oath in ſix days after the offence is committed, ſummon the party, 18 G. 2. c. 36. Wearing cambrick.

and, on his appearance, or contempt, proceed to examine the matter, and on due proof thereof made, either by confeſſion or oath of one witneſs, hear and determine the ſame, and cauſe the penalty to be levied by diſtreſs. The party aggrieved may appeal to the next ſeſſions, giving ſix days notice.

Seller liable.

But if the wearer ſhall, on oath before a juſtice, diſcover the ſeller, he ſhall be diſcharged, and the ſeller only ſhall be liable.

Printed Linens, &c.

25 G. 3. c. 72. Unſtamped linens, &c.

UPON oath made by any credible perſon or perſons, that he, ſhe, or they have reaſon to ſuſpect or believe that any linens, or ſtuffs made of cotton mixed with other materials, or ſtuffs wholly made of cotton wool, wove in great Britain, or Britiſh muſlins, or fuſtians, velvets, velverets, dimities, or other figured ſtuffs, made of cotton and other materials mixed or wholly made of cotton wool, wove in Great Britain, or foreign calicoes, foreign muſlins called coſſhes, or other foreign muſlins, printed, ſtained, painted, or dyed in Great Britain, for which a duty ought to have been paid or charged by this act, are or ſhall be in the cuſtody or poſſeſſion of any draper, or other perſon or perſons trading or dealing therein or of any perſon or perſons for the uſe or account of ſuch draper, or other trader or dealer, for ſale, without having thereupon ſuch ſtamps or ſeals as are by this act required to denote the payment or charging the ſaid duties thereupon; the reſpective commiſſioners of exciſe, or any two of them, within their reſpective limits, or any two juſtices of the peace in any other parts of Great Britain, from time to time may iſſue their reſpective warrants or orders, authorizing and requiring any officer or officers of exciſe, with the aſſiſtance of a conſtable, or other officer of the peace, in the day time, to ſearch for the ſame, and to open doors, cheſts, &c. and to ſeize ſuch linens or ſtuffs deſcribed as above, and to bring them to the exciſe office next to the place where they ſhall be ſeized, and every ſuch warrant ſhall be obeyed and executed accordingly; and ſuch commodities aforeſaid, ſo found unſtamped in the poſſeſſion of ſuch draper, trader, or dealer, for ſale, or other perſon for the uſe of ſuch draper, trader, or dealer, for ſale, ſhall be forfeited.

ſearched for in the day time.

Forfeited, if found.

14 G. 3. c. 72. Foreign calicoes, how to be marked.

All ſtuffs wholly made of cotton wool, commonly called or known by the name of calicoes, that have not three blue threads in each ſelvage, as directed by 14 G. 3. c. 72, ſhall be deemed to be foreign calicoes, and on their being printed ſtained, painted, or dyed in Great Britain, ſhall be ſtamped with the following words, viz. *foreign calicoes for exportation* drapers, &c. having in their poſſeſſion ſuch foreign calicoes unſtamped,

ſtamped, &c. or ſtuffs called Britiſh manufactory, without the blue threads in the ſelvages, ſhall not only forfeit and loſe the ſaid goods, or the value thereof, but ſhall likewiſe forfeit and loſe the ſum of two hundred pounds for every piece of ſuch goods found in their cuſtody or poſſeſſion. 14 G. 3. c. 72. Penalty.

Every piece of ſtuff ſhall be marked before it is printed, &c. in words at length, with the name and place of abode of the owner or printer, and alſo the name of the goods which they are commonly called or known by, on pain of forfeiting the ſaid goods, and the ſum of ten pounds for every piece or remnant of ſuch goods that ſhall be printed, ſtained, painted, or dyed (except thoſe that are dyed throughout of one colour only), without being ſo marked. 25 G. 3. c. 72. Printer's name and place of abode.

Linens or ſtuffs, which are by this act made ſubject to a duty of one penny halfpenny per yard ſquare, ſhall be marked at both ends with the name of the owner or printer, and quality of the goods, with the ready money price or value thereof, before the ſame ſhall be preſented to the officer appointed to take an account thereof, to be printed, ſtained, painted, or dyed; and in caſe the owner is not the printer, he ſhall deliver a note to the printer, expreſſing the number of pieces, their quality and value as aforeſaid, and the time when delivered to the printer; which note the ſaid printer ſhall deliver to the officer who is to take an account of the ſaid linens and ſtuffs, before the ſame ſhall be printed, ſtained, painted, or dyed (except thoſe that are to be dyed throughout of one colour only), on pain that every piece or remnant not ſo marked ſhall be forfeited, and the owner, or other perſon putting out or ſending ſuch piece not ſo marked, ſhall forfeit the ſum of twenty pounds: Every printer, &c. being the owner, who ſhall print, ſtain, paint, or dye, any of the ſaid linens or ſtuffs (except ſuch as ſhall be dyed throughout of one colour only), ſhall mark each piece or remnant, at both ends, with words at length, containing his or her name and place of abode, and alſo the name of the goods, with the ready money price or value thereof; on pain to forfeit the ſum of twenty pounds for every neglect, and alſo the ſaid linens and ſtuffs not ſo marked, which may be ſeized by any officer of exciſe; and in caſe ſuch owner, or other perſon, ſo putting out or ſending any ſuch linens or ſtuffs to be printed, ſtained, painted, or dyed, as aforeſaid, if any ſuch printer, ſtainer, painter, or dyer, ſhall mark any piece or remnant of ſuch linens or ſtuffs at a price leſs than the real value, or ready money price, every ſuch piece or remnant ſhall be forfeited, and may be ſeized by any officer of exciſe, and the owner thereof ſhall forfeit the ſum of twenty pounds for every ſuch offence. Price marked at both ends. Penalty for neglect.

If any perſon ſhall counterfeit or forge any frame-mark, to defraud his majeſty of the duties, every perſon ſo offending ſhall, for every ſuch offence, forfeit the ſum of one hundred pounds. Forging a frame mark.

25 G. 3. c. 72. Duties on British silks.

The provisions of this act shall extend to the duties imposed upon silks, &c. of British manufactory, by 10 *Ann.* c. 19; 12 *Ann.* c. 9; and 14 G. 3. c. 72.

Drawback of duties on bleaching.

Two or more commissioners of excise, or two or more justices respectively, being satisfied that the duties imposed by this act have been charged thereupon, may order the collector of the duties by this act granted, to pay, out of the money in his hands arising by the said duties, unto such printer, stainer, painter, or dyer, or such owner, so much money as the duties paid upon the bleaching the same stuffs, or stuffs made of cotton as aforesaid, amount unto; and if the said collector shall not have money sufficient in his hands to pay the same, the commissioners shall cause the same to be paid out of any monies arising by the said duties by this act granted.

14 G. 3. c. 72. On exportation of linens, what to be done.

Any person or persons who shall have paid all his majesty's duties by this or any former act payable for any such linens, or stuffs, &c. wove in Great Britain, or foreign calicoes, or foreign muslins, or cossaes, printed, stained, painted, or dyed in Great Britain, or any person or persons who shall buy or be lawfully intitled to any such commodities aforesaid, printed, stained, painted, or dyed in Great Britain, from the person or persons who actually paid his majesty's said duties, may export from any lawful quays, and in the lawful hours, any such commodities for which the duties shall have been paid, to any foreign parts; the person or persons, so intending to export any such commodities, giving twelve hours' notice in writing, within the limits of the chief office of excise in London, and twenty-four hours' notice in other places in Great Britain, of his intention to pack up, in order to be exported, any such commodities, and of the time and place when and where he will pack up the same, to the officer or officers of excise; and such officer or officers shall take care to measure the said goods, and to see that the seals or stamps, denoting the payment of the duties upon such goods, and also the frame-marks upon the same, be taken off from both ends of every piece so intended to be exported (except as hereinafter is excepted); and every such piece shall be packed up in the presence of such officer or officers, who shall take an account of the kinds and quantities of the commodities aforesaid so intended to be exported, and make a return thereof to the officer who shall be appointed by such commissioners to receive the same at the port of exportation, without any fee or reward for so doing.

Id. Seals and stamps to be taken off previous to exportation.

No linens, &c. shall be packed up for exportation, without the officers taking off the seals or stamps, denoting the payment of the duties, together with the frame-mark; and security shall be given for their exportation, in treble the value of the goods; and an oath shall be made that the duties have been paid, &c. and that the goods are the same that are described in the account sent by the officer, in whose presence they

hey were packed, to the officer attending the ſhipping, which ficer ſhall, within one month after the exportation, give to he exporter a certificate expreſſing the quantities and kinds f ſuch goods ſo ſhipped, and that all the duties are paid for he ſame, and that ſecurity hath been given before the ſhipg the ſame for the due exporting the ſame; and ſuch certiate being produced to the collector of the port where the me goods are exported, he ſhall forthwith pay or allow to he perſons ſo exporting the ſame, or their agents, a drawack of all the duties before paid for ſuch goods ſo exported; nd if ſuch collector ſhall not have money in his hands to pay he ſame, then the reſpective commiſſioners of exciſe in Great ritain are required to pay the ſaid drawback or allowance out f the duties upon linens or ſtuffs printed, ſtained, painted, r dyed, in Great Britain, ariſing by this or either of the ſaid former acts. 14 G. 3. c. 78. Drawback allowed.

All the monies ariſing by the duties by this act granted ſhall, from time to time, be paid into the receipt of his majeſty's exchequer. 14 G. 3. c. 72. Duties, where paid.

All the powers, penalties, &c. contained in 12 C. 2. c. 24, or any other law relating to exciſe duties, for collecting and recovering the duties thereby granted, ſhall be applied in executing this act. Powers of this act.

All fines, penalties, and forfeitures, reſpecting the inland duties impoſed by this act, ſhall be ſued for in any of his majeſty's courts of record at Weſtminſter, or in the courts of exchequer in Scotland reſpectively; one moiety ſhall be to his majeſty, and the other to him or them who ſhall diſcover, inform, or ſue for the ſame. Fines, &c. where ſued for.

From Auguſt 1, 1785, the old duties on all ſtuffs made of, or mixed with cotton, not printed, ſtained, or dyed in foreign parts, which ſhall be imported, ſhall ceaſe. Old duties on ſtuffs, &c. to ceaſe.

If any action or ſuit ſhall be brought or commenced againſt any perſon or perſons, for any thing by him or them done in purſuance of this act, ſuch action or ſuit ſhall be commenced within three months next after the matter or thing done, and ſhall be laid in the proper county. Suit within three months.

Lord's Day.

ALL perſons, not having a reaſonable excuſe, ſhall reſort to their pariſh church or chapel (or to ſome congregation of religious worſhip allowed by the toleration act) on every Sunday, on pain of puniſhment by the cenſures of the church, and of forfeiting 1s. to the poor for every offence.—To be levied by the churchwardens by diſtreſs, by warrant of one juſtice. 1 El. c. 2. Abſence from public worſhip. 3 J. c. 4.

No

1 *J.* *c.* 22. Shoemaker, how puniſhed.

No ſhoemaker ſhall ſhew, to the intent to put to ſale, a ſhoes, boots, &c. upon a Sunday, on pain of 3s. 4d. a pa and the value thereof; to be recovered at the aſſizes, ſeſſio or leet: one third to the king, one third to him who ſhall ſu and one third to the town or lord of the leet.

3 *C.* 1. *c.* 2. Carrier's penalty. Drovers. Butchers.

No carrier with any horſe or horſes, nor waggonmen wi any waggon or waggons, nor carmen with any cart or car nor wainmen with any wain or wains, nor drovers with a cattle, ſhall by themſelves, or any other, travel on the Lord Day, on pain of 20s.; or if any butcher, by himſelf, or a other for him, with his privity and conſent, ſhall kill or ſe any victuals on the Lord's Day, he ſhall forfeit 6s. 8d. T conviction to be in ſix months, before one juſtice, or mayo on view, or confeſſion, or oath of two witneſſes; to be levi by the conſtable or churchwarden, by diſtreſs; or to be rec vered in any court of record, in any city or town corporat before the juſtices in ſeſſions; to be applied to the uſe of t poor, except that the juſtice may reward the informer or pr ſecutor with part of the forfeiture, not exceeding one thi part. This act continued in force one year; but was inforc as follows:

29 *Car.* 2. *c.* 7. Waggoner, &c. Artificer, &c.

No drover, horſe-courſer, waggoner, butcher, higler, any of their ſervants, ſhall travel, or come to his inn or lod ing on the Lord's Day, on pain of 20s. No tradeſman, a tificer, workman, labourer, or other perſon, ſhall do or e ercise any worldly labour, buſineſs, or work of their ordina calling on the Lord's Day (except works of neceſſity and ch rity), on pain of every offender, above 14 years of age, forfei ing 5s. No perſon ſhall publicly cry, ſhew forth, or expo to ſale, any wares, merchandizes, fruit, herbs, goods, chattels whatſoever, on the Lord's Day (except crying a ſelling of milk, before nine in the morning and after four the afternoon; and except mackarel, which may be ſold Sundays, before or after divine ſervice), on pain of forfeiti the ſame. No perſon ſhall uſe, employ, or travel on t Lord's Day, with any boat, wherry, lighter, or barge (u leſs allowed by a juſtice of the peace, on extraordinary occ ſions; and except 40 watermen, who may ply on the Tham on Sunday betwixt Vauxhall and Limehouſe), on pain of 5 And if any perſon offending in any of the premiſes, ſh thereof be convicted in ten days after the offence, before o juſtice, on view, or confeſſion, or oath of one witneſs, the ju tice ſhall give warrant to the conſtables or churchwardens, ſeize the goods cried, ſhewed forth, or put to ſale, and to ſe the ſame; and to levy the other forfeitures by diſtreſs; to t uſe of the poor, except that the juſtice may, out of the ſam reward the informer with any ſum not exceeding one thi part. And, for want of diſtreſs, the offender ſhall be ſet pu licly in the ſtocks for two hours.

Selling wares, &c.

Boats, &c. 11 & 12 *W.* *c.* 21.

Conviction in ten days.

Penalties, two thirds to the poor.

2 *G.* 3. *c.* 15.

Fiſh carriages are exempted.

If any perſon ſhall, on a Sunday, take, kill, or deſtroy, or uſe any gun, dog, ſnare, net, or other engine for taking, killing, or deſtroying, any hare, pheaſant, partridge, moor-game, heath-game, or grouſe; he ſhall, on conviction on the oath of one witneſs before one juſtice, forfeit, for the firſt offence, not exceeding 20l. nor leſs than 10l.—for the ſecond offence, not exceeding 30l. nor leſs than 20l.—for the third, and every other offence, 50l. to be recovered upon indictment at the ſeſſions. 13 *G.* 3. *c.* 80. Killing game.

No perſon, upon the Lord's Day, ſhall ſerve or execute any writ, proceſs, warrant, order, judgment, or decree (except in caſes of treaſon, felony, or breach of the peace), but the ſervice thereof ſhall be void; and the perſon ſerving the ſame ſhall be as liable to anſwer damages to the party grieved, as if he had done the ſame without any writ, proceſs, warrant, order, judgment, or decree. 29 *C.* 2. *c.* 7. Proceſs not to be ſerved. Crimes excepted.

No hundred ſhall be anſwerable for any robbery on the Lord's Day: Nevertheleſs, the inhabitants ſhall make hue and cry after the offenders, as on any other day. *Id.* Perſon robbed.

Any houſe, &c. opened for public amuſements or debate, on a Sunday, to which perſons ſhall be admitted by payment of money, or by tickets ſold for money, ſhall be deemed a diſorderly houſe, and the keeper thereof ſhall forfeit 200l. for every ſuch day that ſuch houſe ſhall be uſed as aforeſaid.—The preſident, for every ſuch offence, ſhall forfeit the ſum of 100l. to ſuch perſon as will ſue for the ſame; and every ſervant or other perſon, who ſhall deliver out, or receive money or tickets for admitting perſons on the Lord's Day, ſhall alſo forfeit the ſum of 50l. to ſuch perſon as ſhall ſue for the ſame. 21 *G.* 3. *c.* 49. Houſes of entertainment.

Any perſon advertiſing any public amuſement for the Lord's Day, to which perſons are to be admitted by money or tickets, and any perſon printing or publiſhing any ſuch advertiſement, ſhall reſpectively forfeit the ſum of 50l. for every offence, either of the aforeſaid forfeitures to be ſued for by action of debt, within ſix calendar months. Public amuſements. Action within ſix months.

Lottery.

IN this act, the ſtatutes of 8 *G.* 1, *c.* 2; 12 *G.* 2. *c.* 28; and 22 *G.* 3. *c.* 47, reſpecting lotteries, are recited; and the powers thereby given are to continue in force, except ſuch as are hereby altered. 27 *G.* 3. *c.* 1: Former acts continued.

After the paſſing of this act, the penalties incurred under the recited acts may be ſued for by any perſons whomſoever within ſix months; and the penalties ſhall be applied, one moiety to the uſe of his majeſty, his heirs and ſucceſſors, and the other moiety, with full coſts of ſuit, to the perſons who ſhall ſue for the ſame. Penalties of thoſe acts, how ſued for and applied.

In

27 G. 3. c. 1. Bail to be given.

In every action for penalties, the defendant ſhall be oblig to give bail to anſwer it: Provided that the bail required be given ſhall, in no caſe, exceed the ſum of 500l.

The vagrant act extends to this.

And whereas, by 17 G. 2. c. 5, the full powers whereof a extended to this act, all perſons playing or betting at any u lawful games or plays, ſhall be deemed rogues and vagabond And whereas all lotteries not eſtabliſhed by act of parliamen in Great Britain or Ireland, are declared to be common an public nuiſances; and whereas all adventuring with lotte tickets, in ſuch lotteries as are eſtabliſhed by act of parli ment, other than by the actual ſale of tickets, and of ſuc ſhares thereof as are permitted by law to be ſold, is whol prohibited by the ſaid act of 22 G. 3. c. 47;

Unlicenſed dealers in tickets

The ſaid 17 G. 2. c. 5, ſhall be extended to all perſons wh ſhall deal in tickets without taking out a licence purſuant 22 G. 3. c. 47, or ſell chances of any ticket, or ſhare thereo for a day, or part of a day, or any leſs time than the who time of drawing in any lottery; or inſure, for or againſt th drawing of any ſuch ticket or tickets; or receive any mone or goods, to repay any ſum or ſums of money, or to deliver th ſame, upon any other chance or chances, relative to the drawin of any ſuch ticket or tickets: All ſuch ſhall be deemed rogu and vagabonds, within the true intent and meaning of 17 G 2. c. 5, and ſhall be puniſhable as ſuch accordingly. All pe ſons who ſhall be found offending againſt this act, in the man ner above mentioned, ſhall and may be apprehended and con veyed before ſome juſtice or juſtices of the peace, who ſha and may, upon full and ſufficient proof of the offence, ord ſuch offender to be ſent to the houſe of correction, there to re main until the next general or quarter ſeſſions of the peace and the juſtices, at ſuch ſeſſions, ſhall proceed therein accord ing to the directions of the ſaid act; and all juſtices of th peace, &c. are hereby impowered and ſtrictly required to u their utmoſt endeavours to prevent the committing of any the offences aforeſaid, by all lawful ways and means; and a hereby indemnified for any thing done in execution of th act.

deemed vagrants.

How to be dealt with.

Juſtices required to puniſh.

What inſurance allowed.

From the paſſing of this act, the poſſeſſor of a whole ticke may inſure it, by a written agreement, for its full value. But ſuch inſurance muſt be for the whole time remaining the drawing; and the ticket muſt be depoſited with the re ceiver general of the ſtamp duties, or ſome perſon appointed b him to receive it: Provided, that every ſuch ticket ſo depoſite may be aſſignable, together with ſuch inſurance.

Unlicenſed inſurers.

Perſons not duly licenſed making inſurances, become liab to the penalties of keeping unlicenſed lottery offices.

Penalty paid, no impriſonment.

No perſon, againſt whom any action, for the recovery of pecuniary penalty, hath been commenced and carried on wit effect, ſhall be liable to impriſonment as a rogue and vag bond under this act for the ſame offence; nor ſhall any perſo wh

who has been convicted and ſentenced to impriſonment as a rogue and vagabond under this act, be liable afterwards to be proſecuted for any pecuniary penalty for the ſame offence.

27 G. 3. c. 1. Application of penalties.

All penalties and forfeitures, which ſhall belong to his majeſty, and which ſhall be received by any officer, in the execution of this act, ſhall be paid into the hands of the receiver-general of the ſtamp-office for the time being, who thereout ſhall pay the expence the ſaid office ſhall be put to in executing this act; and ſhall pay the reſidue into the receipt of the exchequer at ſuch time, and in ſuch manner, as other penalties due to his majeſty are or ſhall be paid or payable.

If plaintiff non-ſuited, treble coſts.

If any perſon ſhall at any time or times be ſued, for any thing done in purſuance of this act, and if, upon the trial, a verdict ſhall paſs for the defendant, or the plaintiff ſhall be non-ſuited, ſuch defendant or defendants ſhall have treble coſts.

Lunaticks.

17 G. 2. c. 5.

IT ſhall be lawful for two or more juſtices, where a lunatick or mad perſon ſhall be found, by warrant directed to the conſtables, churchwardens, and overſeers of the place, or ſome of them, to cauſe ſuch perſon to be apprehended, and kept ſafely locked up in ſome ſecure place, within the county or precinct, as ſuch juſtices ſhall, under their hands and ſeals, direct and appoint, and (if ſuch juſtices find it neceſſary) to be there chained, if the ſettlement of ſuch perſon ſhall be within ſuch county or precinct. And if ſuch ſettlement ſhall not be there, then ſuch perſon ſhall be ſent to his ſettlement by a vagrant paſs *(mutatis mutandis)*, and ſhall be locked up or chained by warrant of two juſtices of the county or precinct, to which ſuch perſon is ſo ſent, in manner aforeſaid.

May be apprehended.

Sent to ſettlement as a vagrant.

Id. Charges, by whom paid.

And the reaſonable charges ſhall be paid (ſuch charges being firſt proved upon oath) by order of two juſtices, directing the churchwardens or overſeers, where any goods, chattels, lands, or tenements of ſuch perſon ſhall be, to ſeize and ſell ſo much of the goods and chattels, or receive ſo much of the annual rents of the lands, as is neceſſary to pay the ſame; and to account for what is ſo ſeized, ſold, or received, to the next quarter-ſeſſions: But if ſuch perſon hath not an eſtate to ſatisfy the ſame, over and above what ſhall be ſufficient to maintain his family, then ſuch charges ſhall be paid by the pariſh, town, or place to which ſuch perſon belongs, by order of two juſtices, directed to the churchwardens or overſeers for that purpoſe.

Power of appeal.

Any perſon aggrieved, by any act of ſuch juſtices out of ſeſſions, may appeal to the next ſeſſions, giving reaſonable notice; whoſe order therein ſhall be final.

19 G. 3. c. 15. Licenſed houſes for lunaticks.

No perſon, on pain of 500l. ſhall entertain or confine, in any houſe kept for the reception of lunaticks, more than one lunatick at one time, without a licence to be granted yearly by the college of phyſicians within London and Weſtminſter, and ſeven miles thereof, and within the county of Middleſex, and elſewhere by the juſtices in ſeſſions.

Madder.

31 G. 2. c. 35. Penalty for deſtroying the roots.

IF any perſon ſhall ſteal and take away, or wilfully and maliciouſly pull up or deſtroy any madder roots, and ſhall be convicted thereof before one juſtice, by confeſſion, or oath of one witneſs, he ſhall, for the firſt offence, pay to the owner ſuch ſatisfaction for damages, and in ſuch time as the juſtice ſhall appoint; and moreover ſhall pay down, upon conviction to the overſeer for the uſe of the poor, ſuch ſum, not exceeding 10s. as to the juſtice ſhall ſeem meet; and if he ſhall not make ſuch recompence, and alſo pay ſuch ſum to the uſe of the poor, the ſaid juſtice ſhall commit him to the houſe of correction for any ſpace not exceeding one month, or may order him to be whipped by the conſtable or other officer, as to the ſaid juſtice ſhall ſeem meet; and for the ſecond offence, he ſhall by ſuch juſtice be committed to the houſe of correction for three months. Proſecution to be commenced within thirty days.

Commitment on default.

Maim.

22 & 23 C. 2. c. 1. Maiming, felony.

IF any perſon ſhall maliciouſly cut off or diſable any limb or member of any ſubject, with intention to maim or diſfigure him, the perſon ſo offending ſhall be guilty of felony without benefit of clergy; but not to work corruption of blood.

Maintenance.

1 Haw. 249. Definition.

MAINTENANCE *(manu tenere)* is an unlawful taking in hand or upholding of quarrels or ſuits, to the diſturbance or hindrance of common right.

1 Ed. 3. ſt. 2. c. 14.

No perſon ſhall take upon him to maintain quarrels, nor parties in the country, to the diſturbance of the common law.

Embracery

Embracery is a Species of Maintenance.

ANY attempt whatſoever to corrupt, or influence, or inſtruct a jury, or any way incline them to be more favourable to the one ſide than to the other, by money, promiſes, letters, threats, or perſuaſions, is a proper act of embracery. 1 *Haw.* 259. What is embracery.

No perſon ſhall embrace any jurors, on pain of 10l. half to the king, and half to him that ſhall ſue within a year. 32 *H.* 3. *c.* 9. Penalty.

If any juror ſhall take any thing to give his verdict, both he, and the embracer, ſhall forfeit ten times as much, half to the king, and half to him that ſhall ſue. 31 *Ed.* 3. *ſt.* 1. Juror bribed, how puniſhed.

Additional Malt Duty.

FROM Jan. 5, 1791, the following additional malt duties were by this act to be paid, viz. for every buſhel of malt, made in England, Wales, and Berwick upon Tweed, 3d. and for every buſhel made in Scotland, 1d. For every buſhel brought from Scotland into England, &c. 1½d. over the duty upon malt made in Scotland. For every buſhel of malt in the poſſeſſion of any maltſter, &c. on Jan. 5, 1791, an additional duty of 3d. in England, &c. and of 1½d. in Scotland. 31 *G.* 3. *c.* 2. Additional duty.

Malt (See alſo Exciſe.)

BY this act, which is continued by an annual bill, 6d. is to be paid for every buſhel of malt made within England, Wales, and Berwick upon Tweed; 3d. within Scotland; and if brought into England, with a certificate of the payment of 3d. only 3d. more; if without a certificate, 6d. 12 *Ann. ſt.* 1. *c.* 2.

For every quarter of malt made and locked up for exportation, and exported, ſhall be paid a duty of 3d. 27 *G.* 3. *c.* 13.

The additional temporary duties on malt impoſed by 31 *G.* 3. *c.* 2, are by this act taken off. 32 *G.* 3. *c.* 6.

Marine Forces.

MARINE forces are thoſe employed in his majeſty's fleet and naval ſervice, under the direction of the lord high admiral, or commiſſioners for executing the office of lord high admiral of Great Britain. 27 *G.* 3. *c.* 3. Under whoſe direction.

After March 25, 1787, during the continuance of this act, every marine officer and private man on ſhore, who ſhall mutiny Penalty for mutiny, &c.

27 G. 3. c. 3.

tiny or desert, &c. or list in any other regiment, &c. or shall be found sleeping on, or shall desert his post, or hold correspondence with the enemies of his majesty, or who shall strike or disobey his superior officer, shall suffer death, or such punishment as a court martial shall inflict.

Court-martial.

The lord high admiral, or commissioners for executing that office, may grant a commission for holding a general court-martial, &c. at any place or places on shore, in this realm, or in any other of his majesty's dominions.

Corporal punishment.

Courts-martial may inflict corporal punishment for immoralities, &c.

Power of lords of admiralty.

Lords of the admiralty are impowered, by this act, to make articles for punishment of mutiny and desertion, &c. and to constitute courts-martial, with power to try, hear, and determine any crimes or offences specified in such rules and articles, and inflict punishments, by sentence or judgment for the same, according to the true intent and meaning of this act.

Limitation of punishment.

Provided always, that no person or persons shall be adjudged to suffer any punishment extending to life or limb by the said rules or articles, within the kingdom of Great Britain, except for such crime or crimes as is or are expressed to be so punishable by this act.

Id. General court-martial.

No general court-martial shall consist of less than 13; and the president to be a field-officer, or officer next in seniority, not under the degree of a captain. Every such court-martial may administer oaths to witnesses.

Officers to be sworn.

The officers are to be sworn as follows, before the court, and judge-advocate, or his deputy:

Oaths administered and taken.

You shall well and truly try and determine, according to the evidence which shall be given in the matter now before you, between our sovereign lord the king's majesty, and the prisoner to be tried. So help you God.

Oath taken.

I A. B. *do swear, that I will duly administer justice, according to an act of parliament now in force,* for the regulation of his majesty's marine forces while on shore, *and according to the rules and articles made in pursuance of the said act of parliament for the punishment of mutiny and desertion, and other crimes therein respectively mentioned, without partiality, favour, or affection; and if any doubt shall arise (which is not explained by the said act of parliament, or the said rules and articles), according to my conscience, the best of my understanding, and the custom of war in like cases.— And I further swear, that I will not divulge the sentence of the court, until it shall be approved by the lord high admiral, or three or more of the commissioners for executing the office of lord high admiral of Great Britain; neither will I, upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof as a witness, by a court of justice, in a due course of law:* So help me God.

After

After which, the judge-advocate is to be ſworn, by the preſident, in the following words: 27 G. 3. c. 3.

Judge advocate's oath.

I A. B. *do ſwear, that I will not, upon any account, at any time whatſoever, diſcloſe or diſcover the vote or opinion of any particular member of the court-martial, unleſs required to give evidence thereof, as a witneſs, by a court of juſtice, in a due courſe of law:* ſo help me God.

Nine officers concur, or two thirds.

No ſentence of death ſhall be given againſt any offender by any ſuch general court-martial as aforeſaid, unleſs nine officers preſent ſhall concur therein; and if there be more officers preſent than 13, then the judgment ſhall paſs by the concurrence of two thirds of the officers preſent, and no proceeding or trial ſhall be had upon any offence but between the hours of eight in the morning and three in the afternoon, except in caſes which require an immediate example.

Hours of trial.

Copy of proceedings.

The party tried by any general court-martial, to be held as aforeſaid, ſhall be intitled to a copy of the ſentence and proceedings of ſuch court-martial, upon demand thereof (he or they paying reaſonably for the ſame), at any time not ſooner than three months after ſuch ſentence.

Proceedings tranſmitted to the admiralty.

Every judge-advocate, or perſon officiating as ſuch at any general court-martial, is hereby required to tranſmit, with as much expedition as time and place will admit, the proceedings and ſentence of ſuch court-martial to the ſecretary of the admiralty for the time being; which proceedings ſhall be by him carefully kept and preſerved in the office of the admiralty of Great Britain, that the perſons intitled thereto may be enabled to obtain copies thereof.

Id. Only one trial.

No marine, either officer or private man, being acquitted or convicted of any offence at any ſuch court-martial as aforeſaid, ſhall be liable to be tried a ſecond time for the ſame offence; and no ſentence given by any court-martial, and ſigned by the preſident thereof, ſhall be liable to be reviſed more than once.

Deſerter coming from abroad, how tried.

If any officer or private man ſhall deſert his majeſty's ſervice in any of his dominions beyond the ſeas, or elſewhere, and ſhall eſcape or be brought into this realm, ſuch officer or private man ſhall be tried for the ſame, as if the ſame offence had been committed within this realm.

Marine not exempt from due courſe of law.

Nothing in this act ſhall exempt any marine, either officer or private man, while on ſhore, from being proceeded againſt by the ordinary courſe of law.

Only one puniſhment.

No perſon or perſons, being acquitted or convicted of any capital crimes, violences, or offences, by the civil magiſtrate, ſhall be liable to be puniſhed by a court-martial for the ſame, otherwiſe than by caſhiering.

Offender delivered to civil magiſtrate.

If any marine officer, or private man, ſhall be accuſed of any crime puniſhable by the known laws of the land, ſuch accuſed perſon ſhall be delivered over to the civil magiſtrate.—Officers refuſing to deliver over ſuch offenders, and being thereof

27 *G.* 3. *c.* 3. Penalty on officers refuſing.

thereof convicted, before any two or more juſtices of the p for the county where the fact was committed, by the oath of credible witneſſes, ſhall be deemed and taken to be *ipſo* caſhiered, and ſhall be utterly diſabled to have or hold civil or military office of employment within this kingdom in his majeſty's ſervice; provided the ſaid conviction be firmed at the next quarter-ſeſſions of the peace for the county, and a certificate thereof be tranſmitted to the jud advocate, who is hereby obliged to certify the ſame to next court-martial.

Fictitious names allowed.

Fictitious names allowed by his majeſty's order upon muſter-rolls for the maintenance of officers' widows, are no be conſtrued a falſe muſter; but the paymaſter is to pay full pay of ſuch men to the receiver.

Conſtables power of billetting.

Conſtables, and chief magiſtrates, are by this act requ to quarter and billet the marines, both officers and pri men, in his majeſty's ſervice, in inns, livery-ſtables, houſes, victualling-houſes, and the houſes of ſellers of win retail to be drank in their own houſes, or places thereunto longing, and all houſes of perſons ſelling brandy, ſtrong ters, cyder, or metheglin, by retail, to be drank in hou but in no diſtillers' or ſhop-keepers' houſes, or in any priv houſes, without the conſent of the occupier.

Billetting, as by law required.

If any marine officer ſhall take upon him to quarter priv men otherwiſe than is limited and allowed by this act, or ſ uſe or offer any menace or compulſion to any mayors, c ſtables, or other civil officers, tending to deter and diſcour any of them from performing any part of their duty; ſ marine officer ſhall, for every ſuch offence (being convi before any two or more of the next juſtices of the peace of county, by the oath of two credible witneſſes), be deem and taken to be *ipſo facto* caſhiered, and ſhall be utterly abled to have or hold any military employment within t kingdom, or in his majeſty's ſervice; provided the ſaid c viction be affirmed at the next quarter-ſeſſions of the peace the ſaid county, and a certificate thereof be tranſmitted to judge-advocate, who is hereby obliged to certify the ſame the next court-martial.

Unequal billetting.

If any perſon ſhall find himſelf aggrieved, in that ſuch c ſtable, officer, or magiſtrate (ſuch chief officer or magiſtrate being a juſtice of the peace), has quartered or billetted in houſe a greater number of marines than he ought to bear proportion to his neighbours, and ſhall complain thereof one or more juſtice or juſtices of the peace of the diviſion, ci or liberty, where ſuch marines are quartered; or if ſuch ch officer or magiſtrate ſhall be a juſtice of the peace, then, complaint made to two or more juſtices of the peace of ſuch viſion, city, or liberty, ſuch juſtices reſpectively ſhall ha power to relieve ſuch perſon, by ordering ſo many of the ſa marines to be removed and quartered upon ſuch other perſo

they ſhall ſee cauſe; and ſuch other perſons ſhall be obliged to receive ſuch marines accordingly. 27 G. 3. c. 3.

Marine officers and private men ſo quartered ſhall be furniſhed with diet and ſmall beer by the owners of the inns, livery ſtables, ale-houſes, victualling-houſes, and the houſes of ſellers of wine by retail to be drank in their own houſes, or places thereunto belonging, and other houſes; paying and allowing for the ſame the ſeveral rates herein-after mentioned, to be payable out of the ſubſiſtence-money for diet and ſmall beer. Billett allowance.

If any inn-holder ſhall be deſirous to furniſh ſuch non-commiſſion officers and private men with candles, vinegar, and ſalt, and with either ſmall beer or cyder, not exceeding five pints for each man per diem, gratis, and allow to ſuch non-commiſſion officers or private men the uſe of fire, and the neceſſary utenſils for dreſſing and eating their meat, and ſhall give notice of ſuch his deſire to the commanding officer, and ſhall furniſh and allow the ſame accordingly; in ſuch caſe, the non-commiſſion officers and private men ſo quartered ſhall provide their own victuals; and the officer who ſhall receive the diet and ſubſiſtence of ſuch non-commiſſion officers and private men, ſhall pay the ſeveral ſums herein-after mentioned out of the ſubſiſtence-money for diet and ſmall beer, to the non-commiſſion officers and private men aforeſaid, and not to the inn-holder, or other perſon, on whom ſuch non-commiſſion officers and private men are quartered. Pay for ſmall beer, &c. *Id.*

If any marine officer ſhall take, or cauſe, or ſuffer to be taken, any money for excuſing the quartering of officers or private men, or any of them, in any houſe allowed by this act, every ſuch officer ſhall be caſhiered. No bribe for unequal quartering.

The commanding officer may exchange marines in their quarters, and the conſtables are required to billet the ſame accordingly; provided the number is not increaſed by any ſuch exchange. Exchange of quarters.

No paymaſter, or other officer or perſon whatſoever, ſhall take any deductions whatſoever, out of the pay of any marine, other officer or private man, other than the uſual deductions for cloathing, and twelve pence in the pound to be diſpoſed of as his majeſty ſhall think fit; and the one day's pay in the year for the uſe of the royal hoſpital at Chelſea; and ſuch other neceſſary deductions as ſhall, from time to time, be directed by the lords of the admiralty, under their hands. No deduction of pay, except for cloathing, &c.

Every officer or other perſon to whom it belongs to receive the pay or ſubſiſtence money for one or more particular company or companies of the ſaid marine forces, ſhall give public notice thereof to all perſons keeping inns, or other places where officers or private men are quartered, within four days of the fartheſt after the receipt of the ſame, and ſhall pay the demands of ſuch inn-keepers and others, before any part of the ſaid pay or ſubſiſtence be diſtributed either to the officers or private Officer to pay inn-keepers, &c.

27 G. 3. c. 3.

private men: Provided the ſaid accounts exceed not, for o marine commiſſion officer under the degree of a captain, ſ ſuch officer's diet and ſmall beer, per diem, one ſhilling; a if ſuch officer ſhall have a horſe or horſes, for each ſuch ho or horſes, for their hay and ſtraw, per diem, ſixpence; nor one private man's diet and ſmall beer, per diem, fourpence.

Penalty on not giving notice.

If the officers do not give notice of ſubſiſtence-money, and pa ing quarters, on complaint thereof by two witneſſes at the ne quarter-ſeſſions, the paymaſter ſhall ſatisfy them out of the rears due to ſuch officers, upon penalty that ſuch paymaſ or perſon ſhall forfeit their reſpective place or places of pa maſter, or otherwiſe, and be diſcharged from holding the ſa for the future: And in caſe of no arrears due, the paymaſ may deduct out of the next ſubſiſtence-money the ſums he ſh pay, purſuant to the certificate of the ſaid juſtices; and ſu officer or officers ſhall, for ſuch their offence, or for neglecti to give notice of the receipt of ſuch pay or ſubſiſtence-mo as aforeſaid, be deemed and taken, and are hereby decla *ipſo facto* caſhiered.

Accounts ſettled on removing.

On moving from quarters, the officer is to make up counts, and give certificates for money due; to the end ſaid certificate may be forthwith tranſmitted to the proper p maſter of the marines, who is hereby required immediat to make payment thereof to the perſon or perſons to whom ſ money ſhall be due.

Quartering in Scotland.

Officers, &c. are to be quartered in Scotland, as the laws force at the union direct.

Carriages provided.

Juſtices of the peace ſhall order conſtables to provide riages, with able men to drive the ſame, for the marine ces in their march; being duly required thereunto by lords of the admiralty, by an order in writing under t hands. And in caſe ſufficient carriages cannot be provi within the diviſion or precinct from, through, or near wh ſuch marines are ordered to march, the next juſtice or juſt ſhall, upon ſuch order being brought or ſhewn to one or m of them, by any of the marine officers aforeſaid, iſſue hi their warrant or warrants to the high conſtables, or petty ſtables, of ſuch next county, diviſion, or precinct, to make ſuch deficiency: The officer or officers, at the ſame time, pay down in hand to the ſaid conſtable, or petty conſtable, the uſe of the perſon who ſhall provide ſuch carriages and

Payment per mile.

1s. for every mile any waggon, with five horſes, ſhall tra and 1s. for every mile any wain with ſix oxen, or four with two horſes, ſhall travel; and 9d. for every mile any with four horſes ſhall travel; and ſo in proportion for leſ riages; for which reſpective ſums ſo received, the ſaid ſtable, or petty conſtable, is hereby required to give a rec in writing to the perſon or perſons paying the ſame: And conſtable, or petty conſtable, ſhall order and appoint ſuch ſon or perſons having carriages within their reſpective li

ſes, as they ſhall think proper, to provide and furniſh ſuch carriages and men, according to the warrant aforeſaid, who are hereby required to provide and furniſh the ſame accordingly. 27 G. 3. c. 3. Conſtable's duty.

No marine officer ſhall force and conſtrain any waggon, or carriage, to travel more than one day's journey, but ſhall diſcharge the ſame in due time for their return home, and ſhall not ſuffer any marine or ſervant (except ſuch as are ſick), nor any woman, to ride in the waggon or carriage aforeſaid; nor ſhall force any conſtable or petty conſtable, by threats, to provide ſaddle horſes for themſelves or ſervants, nor ſhall force horſes from the owners, by themſelves, ſervants, or private men; every ſuch officer, for every ſuch offence, ſhall forfeit 5l; proof thereof being made upon oath before two of his majeſty's juſtices of the peace for ſame county or riding, who are to certify the ſame to the proper paymaſter of his majeſty's marine forces, who is hereby required to pay the aforeſaid 5l. according to order and appointment under the hands and ſeals of ſuch juſtices of the peace; and is alſo hereby empowered to deduct the ſame out of ſuch officer's pay. One day's journey. Officer miſbehaving.

If any high conſtable, or petty conſtable, ſhall wilfully neglect or refuſe to execute any ſuch warrant of the ſaid juſtice or juſtices of the peace, for providing carriages; or if any perſon or perſons, appointed by ſuch conſtable, or petty conſtable, to provide and furniſh any carriage and man, ſhall refuſe or neglect to provide the ſame; or any other perſon ſhall wilfully do any act or thing, whereby the execution of ſuch warrant ſhall be hindered; every ſuch perſon ſo offending ſhall, for every ſuch offence, forfeit any ſum not exceeding 40s. nor leſs than 20s. to the uſe of the poor of the pariſh where ſuch offence ſhall be committed; and all ſuch offences may be enquired of, and fully determined, by two of his majeſty's juſtices of the peace, dwelling in or near the place where ſuch offence ſhall be committed; who have hereby power to cauſe the ſaid penalty to be levied by diſtreſs and ſale of the offender's goods and chattels, rendering the overplus (if any) to the owner. Conſtable's neglect, or other perſon. Penalty.

The treaſurer or treaſurers of each county ſhall, without fee or reward, pay unto the conſtable all and every reaſonable ſum or ſums of money by him laid out for carriages, over and above what ought to have been paid by the marine officer requiring them, out of the county ſtock. Conſtable reimburſed.

If the ſaid public ſtock of the county or riding be not ſufficient, the juſtices, in the general quarter-ſeſſions, ſhall have power to raiſe monies upon the reſpective counties or ridings, in ſuch manner as they now raiſe monies for building or repairing county gaols and bridges, to ſatisfy the ſaid extraordinary charge of carriages. Juſtices may raiſe money.

No waggon or carriage, impreſſed by authority of this act, ſhall be liable or obliged, by virtue of this act, to carry above twenty hundred weight. Weight limited.

27 G. 3. c. 3. Carriages in Scotland.

Carriages in Scotland ſhall be provided, as was directed the law in force in Scotland at the time of the union, with gard to the furniſhing carriages for land forces.

Quartering wives and children againſt conſent.

If any officer, military or civil, by this act authorized quarter ſoldiers, ſhall, at any time during the continuance this act, quarter any of the wives, children, men or maid ſe vants, of any officer or marine in any ſuch houſes, againſt t conſent of the owners; the party offending, if an officer of t marines, ſhall, upon complaint and proof thereof made to t lords commiſſioners of the admiralty, be *ipſo facto* caſhiere and if a conſtable, tithingman, or other civil officer, he ſh forfeit to the party aggrieved 20s. upon complaint and pr thereof made to the next juſtice of the peace; to be levied, warrant of ſuch juſtice, by diſtreſs and ſale of his goods, re dering the overplus to the party, after deducting reaſona charges in taking the ſame.

Officers, &c. deſtroying game.

Penalty on officers and marines deſtroying the game, t ſame as under the article Game. N. B. This clauſe was n in the former act of 28 G. 2. c. 11.

Deſerters.

Marines deſerting are to be treated as deſerting ſoldi (which article ſee), except that the account is to be tranſm ted to the ſecretary of the admiralty, inſtead of the ſecreta at war.

Reward for apprehending.

The reward for apprehending deſerters is the ſame reſpe ing a marine, as a ſoldier—which article ſee.

Concealing deſerters.

The penalty on perſons concealing deſerters, or receivi their arms, clothes, &c. is the ſame as in the caſe of ſoldiers

The continuance of this act is for one year.

Offences againſt former acts, reſpecting marine forces, m be enquired of, and puniſhed as under this act.

Limitation of time of proceſs.

No perſon ſhall be liable to be tried or puniſhed for any o fence committed againſt any of the ſaid former acts, whi ſhall appear to have been committed more than three years b fore the iſſuing of the commiſſion or warrant for ſuch trial; e cept only for the offence of deſertion.

Marine volunteer, how far exempt from arreſt.

No volunteer, as a marine, ſhall be liable to proceſs, unle for ſome criminal matter, or except for a real debt of the v lue of 20l. of which an oath muſt be made before a judge, a a memorandum thereof marked on the back of the proceſs. any perſon ſhall nevertheleſs be arreſted contrary to the inte of this act, one or more judge or judges may examine into th ſame by the oath of the parties, or otherwiſe, and by warra diſcharge ſuch marine ſo arreſted, without paying any fee fees, upon due proof that ſuch marine ſo arreſted was legall enliſted as a marine, and arreſted contrary to the intent of th act; and alſo may award to the party ſo complaining ſuch co as he or they ſhall think reaſonable.

What done inſtead of arreſt.

Inſtead of an arreſt for a marine's juſt debt, it ſhall be law ful for any plaintiff, upon notice firſt given in writing of th cauſe of action, to file a common appearance in any action

brought upon account of any debt whatſoever, ſo as to in- 27 G. 3. c. 3.
le ſuch plaintiff to proceed therein, and to have an execu-
on thereupon, other than againſt the body or bodies of him
them ſo entered as aforeſaid.

No marine, being arreſted or confined for debt, in any pri- Pay ſtopt on confinement for debt.
n, gaol, or other place, ſhall be intitled to any part of his
y from the day of ſuch arreſt or confinement, until the day
his return to the regiment or company to which he ſhall
long.

Any conſtable, beadle, or other officer or perſon, who ſhall Conſtable's neglect in quartering.
glect or refuſe, for the ſpace of two hours, to quarter or bil-
ſuch officers or marines, when thereunto required, provided
fficient notice be given before the arrival of ſuch forces; or
all take money to excuſe any perſon from quartering; and
y victualler who ſhall refuſe to receive marines ſo quartered
billetted, and ſhall be thereof convicted, before any one or
ore juſtice or juſtices of the peace for the county, city, or
berty, within which ſuch offence ſhall be committed, by con-
ſſion, or by the oath of one or more credible witneſs or wit-
ſſes (which oath the ſaid juſtice or juſtices is and are hereby
powered to adminiſter), ſhall forfeit, for every ſuch offence,
t more than 5l. nor leſs than 40s. to be levied by diſtreſs and
le, by warrant to be directed to any other conſtable within
e county, city, or liberty, or to any of the overſeers of the
or of the pariſh where the offender ſhall dwell; and the ſaid
nalty, when levied, ſhall be paid to the overſeers of the
or, or to ſome one of them, for the uſe of the poor of the
riſh where the offence ſhall be committed.

To prevent abuſes in quartering, juſtices may order con- Account to juſtices.
ables to give an account of the number of officers and private
en, and where quartered, that he or they may be the better
abled to prevent or puniſh all abuſes in the quartering or
illetting of them.

ENLISTING.—The ſame as in the caſe of ſoldiers, ſee that Enliſting, as ſoldiers, with ſome exceptions.
rticle; except that the magiſtrate muſt, in this caſe, not be
n officer of marines; and that the *ſecond* and *third* ſections of
he articles of war, for the better government of his majeſty's
arine forces while on ſhore, read to him or them, and that he
r they muſt take the oath of fidelity mentioned in the *twelfth*
ection of the ſaid articles of war; and if any ſuch perſon or per-
ons, ſo to be certified as duly inliſted, ſhall refuſe to take the
aid oath of fidelity before the ſaid juſtice or chief magiſtrate, it
hall and may be lawful for ſuch officer, from whom he has
eceived ſuch money as aforeſaid, to detain or confine ſuch per-
on or perſons until he or they ſhall take the oath before re-
uired; and every officer of marines that ſhall act contrary
hereto, or offend herein, upon proof thereof, upon oath by
wo witneſſes, before a general court-martial, ſhall, for ſuch
offence, be forthwith caſhiered, and be diſabled to hold any
civil or military office or employment within this kingdom,
r in his majeſty's ſervice.

27 G. 3. c. 3. Union of officers for courts-martial,

Where a ſufficient number of marine officers cannot be conveniently aſſembled, or in matters wherein any of his majeſty's land forces may be intereſted, officers of the land forces may be aſſociated with the marine officers for the purpoſe of holding courts-martial; and proceed in the trial of any marine officer or private man, to all intents and purpoſes, as if ſuch courts-martial were compoſed of marine officers only; and the officers of the marine and land forces are, in ſuch caſes, to take rank according to the ſeniority of their commiſſions in either ſervice.

Marine forces, how regulated,

Marine forces being borne as part of the complement of any ſhips of war, are liable to be governed by the rules eſtabliſhed by an act made in the twenty-ſecond year of the reign of his late majeſty king George the ſecond, intituled, an act for amending, explaining, and reducing into one act of parliament, the laws relating to the government of his majeſty's ſhips, veſſels, and forces by ſea.

Militia.

26 G. 3. c. 107. Called out once a year.

THE lieutenants of counties, appointed by his majeſty, are required to call out the militia once in every year, and appoint deputies and officers, properly qualified, to train and diſcipline them. They ſhall certify to his majeſty the names and ranks of all ſuch officers ſo appointed; and in caſe his majeſty ſhall, within fourteen days, ſignify his diſapprobation of any of the perſons ſo appointed, it ſhall not be lawful for the ſaid lieutenants to grant a commiſſion to any perſon ſo diſapproved, but commiſſions ſhall be granted to all ſuch perſons ſo appointed, who ſhall not be diſapproved by his majeſty; and the officers ſo appointed for the militia ſhall rank with the officers of ſuch of his majeſty's forces as are liable to ſerve out of Great Britain, as youngeſt of their rank.

Names and ranks of officers.

Rank as regulars in abſence of lieutenants.

Three deputy lieutenants may act, when the lieutenant is out of the kingdom.

Commiſſion not vacated.

No commiſſion of any officer in the militia, granted by any lieutenant or deputy lieutenants, ſhall be vacated by the revocation, expiration, or diſcontinuance of the commiſſion by which any ſuch lieutenant, or deputy lieutenants, was or were appointed.

Id. Lieutenant's power.

The lieutenant of the county ſhall have the chief command of the militia of his county, and appoint twenty deputies, if ſo many properly qualified can be found within the county, &c. *i. e.* having an eſtate of 200l. per annum, or being heir to 400l. per annum, then as many perſons, ſo qualified, as can be found within ſuch county, &c. ſhall be appointed to be deputy lieutenants for the purpoſes of this act.

Deputies.

An

And every perſon to be appointed a colonel ſhall be poſſeſſed of an eſtate of 1000l. per annum, or ſhall be heir-apparent of a like eſtate of 2000l. per annum. A lieutenant colonel ſhall have an eſtate of 600l. per annum, or be heir-apparent to 1200l. per annum. A major or captain ſhall be poſſeſſed of an eſtate of 200l. per annum, or be heir-apparent to 400l. per annum, or the younger ſon of a perſon who has or had at his death 600l. per annum. Every lieutenant ſhall have an eſtate of 50l. per annum, or a perſonal eſtate of 1000l. or in real and perſonal eſtate be worth 2000l. or ſhall be ſon of ſome perſon poſſeſſed of an eſtate of 100l. per annum, or worth at his death 2000l. in perſonal eſtate alone, or in real and perſonal eſtate together 3000l. Every enſign ſhall have an eſtate of 20l. per annum, or a perſonal eſtate of 500l. or in real and perſonal eſtate 1000l. or ſhall be the ſon of a perſon having 50l. per annum, or 1000l. perſonal, or in real and perſonal eſtate together 1500l. one half of every ſuch reſpective eſtate to be in the county in which they ſhall be appointed to ſerve. 26 G. 3. c. 107. Qualification of officers.

Within the counties of Cumberland, Huntingdon, Monmouth, Weſtmoreland, and Rutland, and within every county and place in the dominion of Wales, the qualification ſhall be for a deputy lieutenant 150l. per annum, or an inheritance of 300l. per annum. A colonel 600l. per annum, or an inheritance of 1200l. per annum. A lieutenant colonel 400l. per annum, or be heir to 800l. per annum. A major or captain ſhall have 150l. per annum, or be heir to 300l. per annum.—A lieutenant ſhall have 30l. per annum, or a perſonal eſtate of 600l. or in real and perſonal eſtate together 1200l. or be heir to 60l. per annum, or to a perſon having 1200l. perſonal eſtate, or 2400l. in real and perſonal eſtate together. An enſign ſhall have 20l. per annum, or 300l. perſonal eſtate, or 600l. in real and perſonal eſtate together, or be heir to ſome perſon having an eſtate of 30l. per annum, or 600l. perſonal eſtate, or 1200l. in real and perſonal eſtate together; of all which reſpective eſtates (except thoſe for the qualifications of lieutenants and enſigns), one moiety ſhall be ſituate within the counties or diviſions in which ſuch officers ſhall be reſpectively appointed to ſerve. Leſs in ſome counties.

In the Iſle of Ely, a deputy lieutenant ſhall have 150l. per annum, or be heir to 300l. per annum: A captain 100l. per annum, or be heir to 200l. per annum, or the younger ſon of ſome perſon having 300l. per annum. A lieutenant 30l. per annum, or 600l. in perſonal eſtate, or be heir to 60l. per annum, or to a perſonal eſtate of 1200l. An enſign 20l. or 300l. perſonal eſtate, or be heir to 30l. per annum, or to a perſonal eſtate of 600l.; of all which eſtates (except thoſe for the qualifications of lieutenants and enſigns), one moiety ſhall be ſituate or ariſing within the ſaid Iſle of Ely, or ſome other part of the county of Cambridge. Iſle of Ely.

In

26 G. 3. c. 107. Appointment in cities and towns.

In all cities and towns, which are counties within themſelves, the lieutenants of every ſuch city or town, or where there is no lieutenant, the chief magiſtrate ſhall appoint the deputy lieutenants within ſuch city or town, and alſo officers of the militia, whoſe number and rank ſhall be proportionable to the number of militia men which ſuch city or town ſhall raiſe, as their quota towards the militia of the county to which ſuch city or town is united; and all proviſions made by this act, with reſpect to counties, ſhall take place with reſpect to the ſaid cities and towns, and the militia thereof; every deputy lieutenant in ſuch cities and towns ſhall have 150l. per annum, or 3000l. real and perſonal eſtate together: And every field officer 300l. per annum, or 5000l. real and perſonal eſtate together: A captain 150l. per annum, or 2500l. in real and perſonal eſtate together: A lieutenant ſhall have 30l. per annum, or 750l. in perſonal eſtate alone: An enſign 20l. per annum, or 400l. perſonal eſtate; one moiety to be ſituated within ſuch city or town, or within the county to which ſuch city or town is united.

Leaſes on lives, how eſtimated.

Leaſes on lives of 300l. per annum, are to be deemed equal to a qualification, as herein-before ſpecified, of 100l. per annum, and ſo proportionally.

Eſtates for 20 years or more.

Eſtates granted for twenty years or more, of an annual value equal to the value of the eſtates herein required for qualifications, are to be deemed qualifications.

What to be done before the commiſſion is granted.

No commiſſion ſuperior to a lieutenant ſhall be granted till the qualification is delivered in to the clerk of the peace, or his deputy, who ſhall tranſmit to the lieutenant of the county, riding, or place, a copy of ſuch deſcription; and it ſhall be declared in the commiſſion, that the officer to whom the commiſſion is given hath delivered in his qualification.

All commiſſions already granted ſhall be void, unleſs qualifications are delivered in before January 1, 1787, of which the clerk of the peace, or his deputy, ſhall forthwith tranſmit a true copy to the lieutenant, or deputy lieutenants.

Liſts before parliament.

Qualifications, &c. are to be inſerted in the Gazette; and liſts to be annually laid, by the ſecretary of ſtate, before parliament. Deputy lieutenants, &c. are to take the oaths within ſix months after their appointment, at ſome general quarter-ſeſſions of the peace, or in one of his majeſty's courts of record at Weſtminſter.

Unqualified perſons. Penalty.

Perſons acting, who are unqualified, or who have not delivered in their qualifications, ſhall forfeit and pay the ſum of 100l. one moiety to the uſe of the perſon who ſhall ſue for the ſame; the proof of his qualification to lie upon the perſon againſt whom the ſame is brought.

Peers, or heir-apparent.

Peers, or their heir-apparent, may act, though not poſſeſſed of the qualifications aforeſaid.

The lieutenant of any county, riding, or place, with three or more deputy lieutenants, or, in his abſence, any five or more deputy lieutenants, may, at the end of every five years, in

in case the militia should not be then embodied, discharge some one field officer of each regiment or battalion, and such a number of officers of each inferior rank, as shall be equal to the number of persons who shall have given them notice, that they are willing to serve, so that the number of vacancies shall not exceed one third of such officers who shall have served for five years. 26 G. 3. c. 107. Field, and other officers discharged.

Inferior officers, if duly qualified, may serve in higher ranks. Promotions.

County lieutenants, and deputies, may appoint clerks for their meetings, or displace them if they think fit, and choose others in their room. Clerks of meetings.

The number of private men to be raised, by virtue of this act, shall be as follows: (that is to say),

For the county of Bedford,	400
For the county of Berks,	560
For the county of Bucks,	560
For the county of Cambridge,	480
For the county of Chester, with the city and county of the city of Chester,	560
For the county of Cornwall,	640
For the county of Cumberland,	320
For the county of Derby,	560
For the county of Devon, with the city and county of the city of Exeter,	1600
For the county of Dorset, with the town and county of Pool,	640
For the county of Durham,	400
For the county of Essex,	960
For the county of Gloucester, with the city and county of the city of Gloucester, and the city and county of the city of Bristol,	960
For the county of Hereford,	480
For the county of Hertford,	560
For the county of Huntingdon,	320
For the county of Kent, with the city and county of the city of Canterbury,	960
For the county of Lancaster,	800
For the county of Leicester,	560
For the county of Lincoln, with the city and county of the city of Lincoln,	1200
For the county of Middlesex (exclusive of the tower division, commonly called the town hamlets),	1600
For the county of Monmouth,	240
For the county of Norfolk, with the city and county of Norwich,	960
For the county of Northampton,	640
For the county of Northumberland, with the town and county of the town of Newcastle upon Tyne, and the town of Berwick upon Tweed,	560
For the county of Nottingham, with the town and county of the town of Nottingham,	480

For

26 G. 3. c. 107.

For the county of Oxford,
For the county of Rutland,
For the county of Salop,
For the county of Somerſet,
For the county of Southampton, with the town and county of the town of Southampton,
For the county of Stafford, with the city and county of the city of Lichfield,
For the county of Suffolk,
For the county of Surrey,
For the county of Suſſex,
For the county of Warwick, with the city and county of the city of Coventry,
For the county of Weſtmorland,
For the county of Worceſter, with the city rnd county of the city of Worceſter,
For the county of Wilts,
For the weſt riding of the county of York, with the city and county of the city of York,
For the north riding of the ſaid county,
And for the eaſt riding of the ſaid county, with the town and county of the town of Kingſton upon Hull,
For the county of Angleſea,
For the county of Brecknock,
For the county of Cardigan,
For the county of Carmarthen, with the county borough of Carmarthen,
For the county of Carnarvon,
For the county of Denbigh,
For the county of Flint,
For the county of Glamorgan,
For the county of Merioneth,
For the county of Montgomery,
For the county of Pembroke, with the town and county of the town of Haverfordweſt,
And for the county of Radnor,

General meetings.

General meetings ſhall conſiſt of the lieutenant, with t deputy lieutenants, or, of three deputy lieutenants; ſuch neral meeting to be holden upon the laſt Tueſday before 24th of October in every year; the lieutenant, with any t deputy lieutenants, or, any three deputy lieutenants, m ſummon other general meetings, of which notice ſhall be gi in the London Gazette, and alſo in any weekly newſpa uſually circulated in ſuch county, &c. fourteen days at leaſt before the days appointed for holding ſuch meetings r pectively; and in caſe ſuch meeting ſhall not be attended the lieutenant and two deputy lieutenants, or by three dep lieutenants; the lieutenant, or any one deputy lieutena who ſhall attend at ſuch meeting, ſhall and may adjourn ſame; and in caſe no deputy lieutenant ſhall attend at time and place appointed for the next meeting, then the cl

of the general meetings, or his deputy, ſhall adjourn ſuch meeting to any other time, to be holden at the ſame place. 26 G. 3. c. 107.

The ſubdiviſion meetings ſhall conſiſt of two deputy lieutenants at the leaſt; but where two deputy lieutenants do not attend, any one deputy lieutenant, with any one juſtice of the peace of the county, &c. within which ſuch ſubdiviſion lies, may do all acts, directed to be done by deputy lieutenants at their meetings; which act ſhall be valid. Subdiviſion meetings.

The clerk ſhall give notice of the ſubdiviſion meetings to the deputy lieutenants, &c. and alſo to the commanding officers of the regiment, battalion, &c. if on actual ſervice, or (if not on actual ſervice) to the colonel thereof, or (in caſe of the abſence of the colonel from Great Britain) to the next commanding officer within Great Britain, and ſhall ſend an account of the ſeveral days fixed for receiving liſts, and for balloting and inrolling the militia men within ſuch diviſion; and ſhall, as ſoon as the militia men are inrolled, tranſmit to the colonel or commanding officer a liſt ſpecifying the names, trades, and uſual places of abode, of all ſuch militia men as are inrolled, and where there are ſubſtitutes, the names, trades, and places of abode of the perſons in the room of whom they were inrolled as ſubſtitutes. Notice for receiving liſts, and ballotting, &c.

When a ſufficient number do not attend, another meeting ſhall be appointed within fourteen days, notice being given five days at the leaſt previous to ſuch meeting. Another meeting.

The firſt meetings of the deputy lieutenants ſhall be held as early after the 24th day of October in every year, as conveniently may be; and they may appoint a ſecond general meeting, and ſhall require the chief conſtable or other officer as aforeſaid, to iſſue an order to all conſtables, &c. to return fair and true liſts of the names of all men within their reſpective pariſhes, &c. between the ages of 18 and 45 years, diſtinguiſhing their reſpective ranks and occupations, and alſo which of the perſons ſo returned labour under any infirmity likely to incapacitate them from ſerving as militia men. Copies of ſuch liſts are to be affixed on the church door, on ſome Sunday morning, three days at the leaſt before the ſaid meeting, and alſo notice, at the bottom of the ſaid liſt, of the day and place of ſuch meeting. Conſtables are to verify the returns upon oath. Times of meeting. Of whom liſts to be made. Conſtable's duty.

Subdiviſion meetings may amend liſts, and make returns to the clerk of the general meetings. Amended liſts.

General meetings may alter the appointed ſubdiviſions. Power of general meetings.

Deputy lieutenants may appoint what number of men ſhall ſerve for each pariſh, who are to be balloted for. Number for each pariſh.

Perſons choſen by ballot are to take the following oath: Militia man's oath.

I A. B. do ſincerely promiſe and ſwear, that I will be faithful and bear true allegiance to his majeſty king George; and I do ſwear, that I am a proteſtant, and that I will faithfully ſerve in the militia, within the kingdom of Great Britain, for the defence of the

ſame,

26 G. 3. c. 107. *ſame, during the time of five years for which I am inrolled, unleſ I ſhall be ſooner diſcharged.*

Inrollment. And every ſuch perſon ſhall be inrolled (in a roll to be ther and there prepared for that purpoſe) to ſerve in the militia for the ſpace of five years.

Subſtitutes. Perſons choſen may find ſubſtitutes, who are then to be in rolled and ſworn, if having no more than one child, and ap proved by the deputy lieutenants; and ſuch ſubſtitute ſhal take the following oath:

Subſtitute's oath. *I A. B. do ſincerely promiſe and ſwear, that I will be faithful and bear true allegiance to his majeſty king George; and I do ſwear that I am a proteſtant, and that I will faithfully ſerve in the mi litia, within the kingdom of Great Britain, for the defence of th ſame during the time of five years, or for ſuch further time as th militia ſhall remain embodied, if, within the ſpace of five years his majeſty ſhall order and direct the militia to be drawn out an embodied, unleſs I ſhall be ſooner diſcharged.*

Principal exempt. Any perſon choſen by ballot, for whom ſuch ſubſtitute ſhal have been ſo inrolled and ſworn, ſhall be exempt from ſervice as if he himſelf had ſerved.

Freſh ballot. If the full number are not inrolled, a freſh ballot is to b taken.

Oath, by whom. One deputy lieutenant may adminiſter the oath.

Perſons not appearing. Perſons choſen and not appearing (except quakers), ſha forfeit 10l.

What, if penalty is not paid. If the penalty be not paid, the perſon ſhall be compelled t ſerve, and at the expiration of five years, ſhall be liable to ſerv again, or provide a ſubſtitute; and ſhall be ſubject to th ſame puniſhments, for abſconding or deſerting, as if he ha been duly ſworn and inrolled as a militia man.

Perſons exempt from ſerving. Perſons exempted from ſerving are peers, officers in th army, or in any caſtle or fort, and private men in the army commiſſioned officers ſerving, or having ſerved four years in th militia, members of both univerſities, clergymen, licenſe teachers of any ſeparate congregation, conſtables, &c. article clerks, apprentices, ſeamen, men employed in his majeſty dock-yards, or perſons employed in the tower, at Woolwic warren, in the gun-wharfs at Portſmouth, or at his majeſty powder mills, magazines, and other ſtorehouſes, perſons fr of the watermen's company, and perſons having more tha one child born in wedlock. No perſon who has ſerved per ſonally, or by ſubſtitute, ſhall be obliged to ſerve again till comes to his turn; but a ſubſtitute, if choſen by ballot, ſha be obliged to ſerve again, ſo as to make the choice of milit men by ballot within every ſubdiviſion as equal and impartia as poſſible.

Subſtitute, if choſen by ballot, muſt ſerve again.

Two liſts added. Liſts for two places may be added together.

If liſt be loſt. If any liſt ſhall be loſt or deſtroyed, the deputy lieutenant or any two or more of them, ſhall cauſe a new liſt to be mad and returned to them at their next ſubdiviſion meeting.

If any ſuch conſtable, or other officers, ſhall refuſe or neglect to appear according to the order or warrant of any two or more deputy lieutenants, or to comply with their orders and directions, or ſhall, in making ſuch return, be guilty of any fraud or wilful partiality, or groſs neglect in his duty, the ſaid deputy lieutenants, or any two or more of them, are required to commit the perſon ſo offending to the common gaol, there to be kept, without bail or mainprize, for one month, or, at their diſcretion, to fine ſuch perſon not exceeding 5l. nor leſs than 40s. 26 *G.* 3. *c.* 107 Conſtable's neglect.

Any perſon who ſhall endeavour to prevail on any chief conſtable, or other officer, to make a falſe return of any liſt, or leave out of any ſuch liſt the name of any perſon who ought to be returned to ſerve as a militia man, ſhall, for every ſuch offence, forfeit and pay the ſum of 50l.; and if any perſon ſhall refuſe to tell his chriſtian and ſurname, or ſhall falſely tell it, or ſhall refuſe to tell the chriſtian or ſurname of any man lodging within his or her houſe, or ſhall knowingly tell any falſe name, to any conſtable, or other officer authorized to demand the ſame, every ſuch perſon ſhall forfeit the ſum of 10l. Cauſing falſe return.

Every perſon, choſen by ballot to ſerve in the militia, ſhall be liable to ſuch ſervice, although he may have removed from the place where his name was inſerted in the liſt; every perſon liable to ſerve in the militia, having more than one place of reſidence, ſhall ſerve for the county, riding, or place where his name ſhall have been firſt inſerted in ſuch liſt. Perſon refuſing.

Where any pariſh ſhall lie in two or more counties, that pariſh ſhall be deemed belonging to the county wherein the church is ſituate. A pariſh in ſeveral counties.

If any perſon ſhall be fraudulently bound apprentice, ſuch apprentice ſhall be liable to ſerve for the firſt vacancy, and the maſter ſhall forfeit 10l. Fraudulent indentures.

Two deputy lieutenants may provide ſubſtitutes for quakers, and levy the expence by diſtreſs; for want of which, ſuch quaker, being of ability to pay 10l. ſhall be committed to the common gaol for three months, or until the expence of the ſubſtitute is paid. Subſtitutes for quakers.

Juſtices may order payment of the coſts of levying by diſtreſs, where quakers refuſe to pay rates, made for the providing of volunteers, to the ſum of 10s. each, where there are only two; to the ſum of 5s. where there are more. Coſts, how paid.

Perſons unfit to ſerve, when choſen, may be diſcharged by the deputy lieutenants. Perſons unfit,

Perſons becoming unfit to ſerve, may be diſcharged by the commanding officer; which diſcharge muſt be confirmed by two deputy lieutenants, before another man is balloted in his room. or becoming unfit, by whom diſcharged.

Vacancies occaſioned by death ſhall be filled up by a freſh ballot. Vacancies by death.

26 G. 3. c. 107.

Any two or more of the deputy lieutenants, at their ſeveral ſubdiviſion meetings, ſhall ballot for militia men, in the room of thoſe whoſe terms of ſervice will expire before the 20th day of November then next enſuing the holding of ſuch meetings, and ſhall, at a following meeting, proceed to inroll the ſaid balloted men, or their ſubſtitutes.

Number, how filled up.

Perſon choſen by ballot, and finding ſubſtitute, how paid.

In caſe any perſon making oath that he is not poſſeſſed of the clear value of 500l. ſhall be choſen by ballot to ſerve in the militia, when it is drawn, or ordered out for actual ſervice, and ſuch perſon ſhall be ſworn and inrolled, or ſhall provide a fit perſon to ſerve as his ſubſtitute, who ſhall be ſworn and inrolled, the churchwarden or overſeers of the poor ſhall, on receiving an order under the hands of any two or more deputy lieutenants, pay to every ſuch perſon, ſo choſen by ballot, any ſum of money, not exceeding one half of the current price then paid for a volunteer, where ſuch perſon was ſo choſen, which ſaid ſum of money ſhall be taken out of the poor's rate.

Penalty on pariſh officer refuſing to pay.

any churchwarden or overſeer of the poor refuſing or neglecting to pay ſuch money, upon demand, and the producing of ſuch order, ſhall, for every ſuch offence, forfeit the ſum of 5l. one half to be paid to the perſon ſo choſen by ballot: If any man choſen by ballot, and ſerving for himſelf, ſhall, within one month after his inrollment, be diſapproved of, and diſcharged, ſuch ſum ſhall not be paid to the perſon ſo choſen by ballot, but ſhall be paid to the next perſon choſen by ballot in his ſtead; and if any ſubſtitute be diſapproved and diſcharged no ſuch ſum ſhall be paid to the man ſo choſen by ballot, unleſs he ſhall ſerve himſelf, or ſhall find another ſubſtitute who ſhall be approved by the commanding officer.

Volunteers.

Volunteers may be raiſed with the conſent of the inhabitants, taken at a veſtry held after three day's notice, to ſerve on the ſame terms as ſubſtitutes; and a rate may be made for paying them bounties, not exceeding 6l. each; to which rate all are bound to contribute, on pain of diſtreſs, except thoſe who have ſerved, or ſhall be then ſerving in the militia.

Diſputes between maſters and ſervants.

Any juſtice may determine diſputes between ſervants enrolled as militia men, and their maſters, reſpecting wages within three months from the time of their quitting the ſervice; and may make ſuch order for the payment of ſo much wages to ſuch ſervant in proportion to the ſervice he has performed, as to ſuch juſtice ſhall ſeem juſt and reaſonable, provided the ſum in queſtion do not exceed the ſum of 20l. and in caſe of refuſal for the ſpace of 21 days, may iſſue his warrant to levy the ſame by diſtreſs.

Negligent ſubſtitute.

Every ſubſtitute, &c. who does not appear, if he do not return the bounty, ſhall forfeit any ſum not exceeding 20s. at the diſcretion of the deputy lieutenant, or juſtice of the peace before whom he ſhall be convicted; or be committed to the common gaol or houſe of correction for the ſpace of 14 days, or until the ſaid ſum ſhall be returned.

On

One juſtice may order the payment of bounty to ſubſtitutes and volunteers, according to act 20 *G.* 3. *c.* 19. 26 *G.* 3. *c.* 107. Bounty to ſubſtitutes.

When a regiment is out of its county, liſts of men willing to continue to ſerve, after the expiration of their term, ſhall be tranſmitted by the commanding officer. Regiment out of its county.

The inliſtment of a militia man into the ſtanding army ſhall be void; and any militia man offering to inliſt into his majeſty's other forces, ſhall be impriſoned ſix months, and if actually inliſted, ſhall ſerve in ſuch regiment, when diſmiſſed from the militia: Any officer, ſerjeant, or other perſon inliſting militia men, ſhall forfeit 20l. and any ſoldier offering to ſerve as a ſubſtitute, ſhall forfeit 10l. or be committed to the common gaol or houſe of correction, for any time not more than three months. May not ſerve in the army.

Any perſon ordering ſerjeants, &c. of the militia to beat up for volunteers, ſhall forfeit 10l. being convicted upon oath, before any juſtice of the peace; one moiety to the uſe of the informer: And any ſerjeant refuſing to declare who gave him ſuch orders, ſhall be impriſoned for any time not exceeding three months. Penalty on militia ordering ſerjeants to beat up for volunteers.

Rolls ſigned at ſubdiviſion-meetings ſhall be tranſmitted to the clerk of the general meeting, within 14 days after every ſubdiviſion-meeting. Rolls tranſmitted.

A ſtate of the number of perſons liable to ſerve, ſhall be tranſmitted annually by the lieutenant of the county, &c. to the privy council, who are to ſettle the number of men for each county, place, &c. and tranſmit the numbers to the county lieutenants: If the number fixed on be *greater* than the number appointed to ſerve for any county, place, &c. the lieutenant for ſuch county, &c. with two or more deputy lieutenants, or any three or more deputy lieutenants ſhall, at a general meeting, appoint what number of militia men ſhall ſerve for each hundred, or other diviſion within ſuch county, &c. and the additional number of militia men, to make up the whole number ſo fixed and ſettled, ſhall be provided or choſen in the ſame manner as other militia men are by this act to be provided or choſen; and all the additional men, or their ſubſtitutes, and alſo all volunteers, ſhall take the oath, and be inrolled, as is directed; where the number ſo fixed ſhall be *leſs* than the number of militia men appointed to ſerve for any county, or place, &c. ſo many militia men ſhall be diſcharged by ballot, as ſhall exceed the number ſo fixed and ſettled as aforeſaid. State of numbers liable to ſerve.

The money ariſing by penalties incurred for refuſing to ſerve in the militia, or to find ſubſtitutes to ſerve in their room, ſhall be applied, by any two or more deputy lieutenants, in providing ſubſtitutes for the perſons who ſhall have paid ſuch penalties: If any ſurplus ſhall remain, the ſame ſhall be paid to the colonels or commanding officers of the regiments, &c. in which ſuch perſons ought to have ſerved, and be applied as part of the regimental ſtock. Application of penalties.

Any

26 G. 3. c. 107. Who may administer oaths.

Any lieutenant, deputy lieutenant, or justice, is authorized to administer oaths to any witness or witnesses; and all other oaths may be administered by any lieutenant or deputy lieutenant.

How regiments formed.

Where the number of men is sufficient, the militia shall be formed into regiments, of not more than twelve, nor less than eight companies, of 80 private men to a company at the most, and 60 private men at the least; and the field officers shall be one colonel, one lieutenant colonel, and one major; and where the number of men shall be under eight, and not less than five companies, such militia shall be formed into a battalion, and the field officers shall be one lieutenant colonel, and one major only; and where the number of men shall amount to any number under five, and not less than three companies, such militia shall be formed into a battalion with one lieutenant colonel, or major, and no other field officer; and in each regiment or battalion of militia there shall be one captain, one lieutenant, and one ensign to each company: Every battalion of five companies, or upward, may have one company of grenadiers or light infantry, to which two lieutenants shall be appointed, instead of one lieutenant and one ensign; and every regiment, consisting of eight companies, or upwards, may have one company of grenadiers, and one company of light infantry, to each of which companies two lieutenants shall be appointed, instead of one lieutenant and one ensign.

Independent companies.

Where the number of men shall not be sufficient to form a regiment or battalion, the militia shall be formed into independent companies, each company to consist of 80 private men at the most, and 60 at the least, with one captain, one lieutenant, and one ensign to each company; and his majesty may, whenever he thinks proper, join together any number of such independent companies, and form a battalion or battalions, or may incorporate them with any other regiment or battalion of militia, provided the number of companies in any such regiment or battalion be not thereby made to exceed the number of companies of which a regiment or battalion of militia is herein before directed to consist.

Rank of county lieutenants.

County lieutenants may act and bear rank as colonels, though the bodies of men do not entitle their commanding officers to that rank.

Senior officer to act as colonel.

The senior officer, residing in Great Britain, shall be invested with the powers given to colonels, in the absence of the commanding officer from Great Britain, till his return shall be notified to the clerk of the peace of the county, &c. and by him transmitted to the officer next in command.

Lieutenant colonel's promotion.

The rank of colonel may be given to lieutenant colonels commandant, after five years service.

Where

Where the numbers are not ſufficient for a regiment, three perſons may be appointed, with the rank of colonel, lieutenant colonel, and major; but with no higher pay than if they were lieutenant colonel, major, and captain: Where the number of men ſhall be ſufficient to form four, but not ſufficient to form ſix companies, the lieutenant may appoint two perſons, qualified as aforeſaid, to ſerve, with the rank of lieutenant colonel and major, but only one of them ſhall be entitled to any higher pay than that of captain; and where the number of men is not ſufficient to form more than two companies, the eldeſt captain ſhall rank as major, but ſhall only be entitled to the pay of captain. 26 G. 3. c. 107. Where number is too ſmall for a regiment.

Lieutenants may be appointed captain-lieutenants, where there are ſix companies in the regiment. In what caſes captain lieutenants.

Adjutants may be appointed from the army, or embodied militia, who ſhall preſerve their rank in the army, and they may hold a ſubaltern's commiſſion, though not qualified, and may have the brevet rank of captain, on the recommendation of the commanding officer of any regiment or battalion of militia, conſiſting of not leſs than ſix companies, provided ſuch adjutant has ſerved five years in the rank of lieutenant; although ſuch adjutant may not have the qualification required by this act for captains: But no adjutant, ſo appointed to the rank of captain, ſhall be entitled to rank above, or to command, any captain of a company in the militia, nor ſhall, by virtue of ſuch appointment, be entitled to receive any greater pay than that of a lieutenant, together with his pay as adjutant. Adjutants, whence appointed.

A paymaſter may be appointed to a battalion of more than two companies, when it is not in actual ſervice, but the money neceſſary for a leſs number, ſhall be paid to the commanding officer, by the receiver-general of the land-tax. Paymaſter.

No adjutant, ſurgeon, quarter-maſter, &c. ſhall be appointed captain of a company, &c. nor vice verſa; but a battalion clerk may be appointed a captain-lieutenant. Battalion clerk may be captain-lieutenant.

No half pay officers, ſerving as ſubalterns, ſhall be deemed to forfeit their half pay; but ſuch officers ſhall take the following oath: Half pay officers may ſerve as ſubalterns.

Oath

I A. B. *do ſwear, that I had not, between the* *any place or employment of profit, civil or military, under his majeſty, beſides my allowance of half pay as a reduced* *in* *late regiment of* *ſave and except my pay as lieutenant, enſign, adjutant, battalion clerk, paymaſter, quarter-maſter, or ſurgeon* (as the caſe may be), *for ſerving in a regiment of militia:*

And the taking of the ſaid oath ſhall, without taking any other oath, be ſufficient to entitle ſuch perſon to receive his half pay. entitles to half pay.

When the militia is not on actual ſervice, there ſhall be one ſerjeant and one corporal to every 30 men; and when drawn out, Militia not in ſervice.

26 G. 3. c. 107. out, there shall be one serjeant and one corporal to every 2[illegible] men; and when not in actual service, there shall be one drummer to every company, with an addition of one drummer for each flank company of regiments or battalions consisting of five or more companies; and when the militia shall be drawn out there shall be an addition of one drummer to every company so drawn out; and the daily pay of every such serjeant, corporal, and drummer, shall be to every serjeant 1s.—to every corporal 8d.—and to every drummer 6d.—and such serjeants, corporals, and drummers, shall be new cloathed, when not in actual service, once in two years. All serjeants and corporals shall take the following oath:

Serjeants and corporals oath. *I A. B. do sincerely promise and swear, that I will be faithful and bear true allegiance to his majesty king George; and I do swear that I am a protestant, and that I will faithfully serve as a serjeant* or *corporal* (as the case shall be), *in the militia within the kingdom of Great Britain, for the defence of the same, until I shall be legally discharged.*

Serjeant-major and drum-major. The colonel or commanding officer of every battalion consisting of four or more companies, may appoint a serjeant-major out of the serjeants, and a drum-major out of the drummers; and all serjeants, corporals, and drummers, having received any pay as such, shall be compellable to serve until they shall be legally discharged.

Restriction of publicans. No publican shall be capable of serving as a serjeant, corporal, or drummer, in the militia.

Additional corporal. A surplus of 15 men, above the proportion of 30 to one corporal, shall entitle the battalion to an additional corporal when not in actual service, for such surplus number of men.

Subalterns dying. Deserted or discharged. Any serjeant, corporal, or drummer, may be discharged by the colonel, or commanding officer (with the consent of the captain of the company); and the captain (with the approbation of the commanding officer) may appoint any proper person in the room of every serjeant, corporal, and drummer who shall die, desert, or be discharged, all which serjeants and corporals, so appointed, shall take the like oath as is before required.

Musicians. The commanding officer of any regiment, &c. may retain any number of the drummers who now are employed, as fifers or musicians therein, over and above the number of one drummer per company, or may engage any additional number of drummers to act as fifers or musicians in their respective corps; and all such drummers so retained, or in future engaged to serve in any such corps as fifers or musicians, shall be deemed as drummers of militia, to all intents and purposes, and shall be subject to the same orders and punishments as other drummers of militia, and shall continue to serve as drummers as long as they shall receive the same pay and cloathing as other drummers have, and no longer.

Serjeant

Serjeants of Chelſea hoſpital may receive their allowance therefrom, together with their pay. 26 G. 3. c. 107. Serjeants of Chelſea hoſpital.

Any perſon who ſhall have faithfully ſerved as a ſerjeant in the militia for fifteen years, or as a corporal or drummer for twenty years, and who ſhall be diſcharged on account of age or infirmity, ſhall, on the recommendation of the commanding officer, &c. be entitled to examination at the Chelſea board, and be capable to be placed on the penſion of 5d. per diem, if the ſaid board ſhould judge him deſerving thereof: But no perſon who ſhall be appointed a ſerjeant in the militia, after the paſſing of this act, ſhall be entitled to ſuch recompence, until he ſhall have ſerved in the militia, or in the army and militia, for 20 years. Veteran ſerjeants.

The militia ſhall be trained and exerciſed for 28 ſucceſſive days annually, and amenable to the mutiny laws, ſo that no puniſhment ſhall extend to loſe life or limb. Time of training.

Notice of the time and place of exerciſe ſhall be affixed on the church doors; and all militia men ſhall duly attend at ſuch time and place, according to the notice. Notice on church doors.

Ten days prior to the annual exerciſe, liſts of the men inrolled ſhall be ſent to the reſpective commanding officer, or to ſuch perſon as he ſhall appoint to receive the ſame; and a duplicate of ſuch liſt ſhall alſo be tranſmitted to the adjutant of ſuch regiment, &c. Double liſts.

From which liſts two thirds of the complete number ſhall be choſen by ballot, at the firſt meeting, for exerciſe. Two thirds choſen.

The day after the ballot, the regiment, &c. ſhall be muſtered. Regiment muſtered.

Vacancies by death, or diſcharge, or by the expiration of the time of ſervice, ſhall be filled up by ballot at the firſt meeting. The men balloted out of the roll are to be exerciſed, and the remainder diſcharged from attendance; but though diſcharged, they are liable to military law, while they remain where the regiment is aſſembled; and are to appear, on notice, at any ſubſequent place of exerciſe. Vacancies filled.

If any inrolled perſon, not choſen by ballot as aforeſaid, ſhall offer himſelf as a volunteer to be trained and exerciſed, it ſhall be lawful for the commanding officer to accept ſuch volunteer in the room of another perſon ſo balloted, to be trained and exerciſed. Volunteer accepted.

All mayors, bailiffs, conſtables, tythingmen, headboroughs, and other chief magiſtrates, and officers of cities, towns, &c. and any one juſtice of the peace inhabiting within or near any ſuch city, town, &c. but no others, may quarter and billet the officers and private men ſerving in the militia, at the times when they ſhall be called out to annual exerciſe, in inns, &c. And all perſons ſelling brandy, wine, &c. upon application made, are required to order and provide convenient lodging, in ſuch houſes, for the ſerjeants, corporals, and drummers of the militia. Billeting.

26 G. 3. c. 107. Relieved when ſick.

Militia men, falling ſick on the march, are to be relieved by the pariſh officer, and the expence to be repaid by the county treaſurer; ſuch relief being ordered by any juſtice, mayor, or chief magiſtrate, and the pariſh officer's account allowed by him.

Carriages impreſt.

Juſtices may grant warrants for impreſſing carriages for the militia on its march; the ſum of one ſhilling for every mile being paid to the chief conſtable or other officer for a waggon with five horſes, and any wain with ſix oxen, or with four oxen and two horſes, and nine-pence per mile for any cart with four horſes, and ſo in proportion, for which ſums every chief conſtable, &c. is hereby required to give a receipt; and every perſon being ordered by the conſtable, &c. is hereby required to provide and furniſh the ſame for one day's journey and no more; and if the expence exceed the rates of carriage, the ſurplus ſhall be paid by the treaſurer of the county, out of the public ſtock.

State of militia to be ſent to county lieutenants.

When the militia is called out to annual exerciſe, the ſtate thereof is to be ſent to the county lieutenant, by the commanding officer, within ſix months, on pain of forfeiting 100l.

Men not appearing.

Militia men not appearing at, or abſenting themſelves during the annual exerciſe, and not taken up till after the exerciſe, ſhall forfeit 20l. and if ſuch penalty ſhall not be immediately paid, the juſtice of the peace before whom any ſuch militia man ſhall be convicted, ſhall commit ſuch militia man to the common gaol, without bail or mainprize, for the ſpace of ſix months, or until he ſhall have paid the ſaid penalty.

Deſerters, how puniſhed.

Another man ſhall be balloted for, if a deſerter does not return in three months; and if he ſhall at any time return or be taken, he ſhall, notwithſtanding any perſon ſhall have been choſen in his room, be compelled to ſerve in the ſame manner and for the ſame term, as if no perſon had been ſo choſen in his room.

Subſtitute deſerting.

A ſubſtitute deſerting is liable to ſerve his full term, whenever taken up, to be computed from the day on which he ſhall be apprehended, and ſhall alſo be ſubject to ſuch other penalty or puniſhment as ſhall be inflicted upon him for ſuch offence by virtue of this act; and the commanding officer ſhall cauſe notice to be given to the clerk of the ſubdiviſion for which ſuch perſon was inrolled, of the day on which he was apprehended, and the clerk ſhall make an entry of the name of ſuch perſon, and alſo the time of his being ſo apprehended.

Selling or loſing muſkets.

All muſkets delivered for the ſervice of the militia ſhall be marked with the letter (M), and the name of the county, &c. to which they belong; and in caſe any militia man ſhall ſell, pawn, or loſe any of his arms, clothes, or accoutrements, or neglect or refuſe to return the ſame in good order to his captain, or to the perſon appointed to receive the ſame, every ſuch militia man ſhall, for every ſuch offence, forfeit and pay

sum not exceeding three pounds; and if he shall not immediately pay such penalty, the justice of the peace before whom he shall be convicted, shall commit him to the house of correction, for any time not exceeding three months, or until he shall have paid the said penalty. 26 G. 3. c. 107.

Buying or receiving them.

If any person shall knowingly and willingly buy, take in exchange, or otherwise receive any arms, clothes, or accoutrements, belonging to any militia man, the person so offending shall pay for every such offence, the sum of five pounds; and if the offender shall not immediately pay such penalty, and shall not have sufficient goods and chattels whereon to levy such penalty, the justice before whom he shall be convicted shall commit him to the common gaol for the space of three months, or shall cause such offender to be publicly whipped, at the discretion of such justice.

Stoppages for linens, &c.

When any regiment, &c. of militia, shall be assembled for the purpose of being trained and exercised, it shall be lawful for the captain or commanding officer of every company to put the militia men of his company under stoppages, not exceeding 6d. per day, for the purpose of providing them with linen, stockings, &c. and for defraying the expence of repairing any arms which shall have been broken or damaged by any such militia man's neglect: Provided always, that he account for such stoppage, and after having deducted what shall have been laid out and paid for necessaries, &c. shall pay the sum remaining (if any there shall be) into the hands of the militia man to whom the same belongs, before he be dismissed from such training and exercise.

Courts-martial.

Every adjutant, serjeant-major, serjeant, corporal, drum-major, and drummer of the militia, shall be at all times subject to any act which shall be in force for punishing mutiny and desertion; and it shall be lawful for the colonel, or (where there is no colonel) the commanding officer of any regiment or battalion of militia, to direct the holding of courts-martial whenever such regiment or battalion shall be embodied for the purpose of annual exercise, for the trial of any serjeant-major, serjeant, corporal, drum-major, or drummer of such regiment or battalion, for any offence committed during the time such regiment or battalion was not embodied, but so that no punishment shall extend to the loss of life or limb.

Punishment of serjeant or corporal.

Any serjeant or corporal of the militia may, by sentence of a court-martial, be reduced to the condition of a private soldier of the militia, to serve as such during any time not exceeding 15 months; after which time, if not regularly re-appointed, he shall be discharged from the service.

Arms, where kept.

The arms belonging to every regiment, &c. when not embodied, shall be kept in such convenient place as the colonel, or commanding officer shall direct, with the approbation of the lieutenant of the county, &c.

26 G. 3. c. 107. Under whose care.

One third part of the ſerjeants, corporals, and drummers in every regiment, &c. ſhall conſtantly be reſident where the arms are kept, and ſhall be under the command of the adjutant; and, in his abſence, the ſerjeant-major ſhall make monthly return of the true ſtate of the ſerjeants, corporals and drummers of the regiment, &c. to the lieutenant of the county and the commanding officer, in default of which he ſhall be ſubject to ſuch puniſhment as a court-martial ſhall adjudge: No ſerjeant, corporal, or drummer, ſhall be abſent from ſuch city, town, or place, without a regular furlough from his colonel, or from the commanding officer; and every ſerjeant, corporal, and drummer, who ſhall abſent himſelf without ſuch furlough, ſhall be liable to be apprehended as a deſerter; the adjutant ſhall never abſent himſelf without leave, but whenever ſuch adjutant ſhall be abſent, with leave, the ſerjeant-major, or ſome ſerjeant, who ſhall be appointed ſhall act.

Deſerter taken.

If any militia man ſhall not join the regiment at the time of annual exerciſe, or ſhall deſert, and ſhall not be apprehended before the expiration of the time appointed for ſuch exerciſe, the commanding officer, adjutant, or ſerjeant-major, receiving information of the place where he ſhall reſide, ſhall direct a party of the ſerjeants, corporals, or drummers, to aſſiſt in apprehending, and in conveying him before ſome juſtice of the peace where ſuch offender ſhall be apprehended; and if, by confeſſion, or the oath of any witneſs, or the knowledge of ſuch juſtice, it ſhall appear that ſuch perſon is guilty of ſuch offence, ſuch offender ſhall be conveyed to the head quarters of the regiment or battalion of militia of the next county, in the way to that to which ſuch offender belongs, and be delivered into the cuſtody of the adjutant or ſerjeant-major of ſuch regiment or battalion, who ſhall cauſe him to be conveyed in like manner to the adjutant or ſerjeant-major of the regiment of the next county, &c. and ſo on till ſuch offender ſhall be delivered into the cuſtody of the adjutant or ſerjeant-major of the regiment or battalion to which he belongs, who ſhall take him before a juſtice of the peace, to be dealt with as this act directs in caſes of militia men deſerting or abſenting

How to be ſubſiſted.

themſelves from duty; ſuch offender to be ſubſiſted at the rate of 6d. per day, from the ſtock of the county, &c. to which ſuch regiment belongs; for which ſubſiſtence, ſuch juſtice is hereby required to make an order upon the treaſurer of the county.

Suſpected deſerter.

If any ſerjeant, corporal, or drummer, ſhall deſert from the regiment or battalion to which he belongs, any headborough, conſtable, or other officer of the place where any ſuch deſerter ſhall be found, may cauſe him to be apprehended, and taken before any neighbouring juſtice of the peace, who is hereby impowered to examine ſuch ſuſpected perſon; and if it ſhall appear that ſuch ſuſpected perſon is a deſerter, ſuch juſtice ſha

shall cause him to be conveyed to the common gaol, or other public prison, near to which such deserter shall be apprehended, there to remain until he shall be demanded by some person or persons authorized to receive him; and shall transmit an account thereof to the clerk of the general meetings of the county, &c. to which such deserter belongs; and the keeper of such gaol, &c. shall receive the full subsistence of such deserter, for his maintenance, during the time he shall continue in his custody, but shall not be entitled to any fee or reward on account of his imprisonment. 26 G. 3. c. 107.

If found such, how dealt with.

The colonel, or commanding officer of the regiment, shall send an order, under his hand and seal, to the keeper of the said prison, requiring him to deliver such deserter to the person or persons therein named; and the serjeant, &c. to whom such deserter shall be so ordered to be delivered, with a sufficient party under his command, shall convey such deserter to the adjutant or serjeant-major of the regiment to which he belongs; and such adjutant or serjeant-major shall take such deserter before a justice of the peace of the county to which he belongs, who shall forthwith cause him to be conveyed to the common gaol, house of correction, or other public prison of such county, riding, or place, where he shall remain, without bail or mainprize, until the regiment or battalion to which he belongs shall be embodied for annual exercise or for actual service; and a court-martial shall be held for the trial of such deserter; and if such deserter shall be found guilty, he shall be punished as such court-martial shall think fit, but not to the loss of life or limb.

Order to the keeper, by whom signed.

How punished.

All gaolers shall receive into their custody such offender, for such time as they shall be required, when he is conveying to his regiment, not exceeding 24 hours, on pain of forfeiting 20s.

Gaolers must receive.

Serjeants employed in apprehending, &c. deserters, shall be billeted as other soldiers employed in that service.

Serjeants billeted.

The justice of the peace, before whom any deserter shall be convicted, may issue his warrant to the clerk of the regiment to which such deserter shall belong, or to the commanding officer, to pay, out of the stock of such regiment or battalion, the sum of 20s. to the person who shall have apprehended such deserter.

Reward for apprehending.

If any person shall harbour, conceal, or assist any deserter, knowing him to be such, the person so offending shall forfeit, for every such offence, the sum of 5l.

Concealing deserter.

In all cases of actual invasion, or upon imminent danger thereof, and in all cases of rebellion or insurrection, it shall be lawful for his majesty (the occasion being first communicated to parliament, if it shall be then sitting, or declared in council, and notified by proclamation, if no parliament shall be then sitting), to order and direct the lieutenants, &c. with all convenient speed, to draw out and embody the militia within

When to be embodied.

26 G. 3. c. 107. within their reſpective counties, &c. or ſo many of them as hi majeſty ſhall in his wiſdom judge neceſſary, and to put the ſai forces under the command of ſuch general officers as his ma jeſty ſhall be pleaſed to appoint; and the officers, &c. ſhall from the time of their being drawn out as aforeſaid, remai ſubject to the articles of war.

Not to go out of Great Britain. Neither the whole, nor any part of the militia directed b this act to be raiſed and maintained, ſhall, on any accoun be carried, or ordered to go out of Great Britain.

Parliament in 14 days. When the militia is called out, his majeſty may and ſha iſſue a proclamation for the meeting of parliament, within 1 days.

Notice to men to attend. When the militia is ordered to be called out, the count lieutenant, &c. ſhall iſſue orders to the conſtables, or other off cers, of the ſeveral pariſhes, &c. to cauſe notice in writing to b given to the ſeveral militia men, to attend at the time and plac mentioned in ſuch order; and if any militia man (not labour ing under any infirmity) ſhall not appear and march in purſuanc of ſuch order, every ſuchmilitia man ſhall be liable to be appre hended, and puniſhed as a deſerter; and if any perſon ſha harbour or conceal any militia man when ordered out into ac tual ſervice, knowing him to be a militia man, every ſuch pe ſon ſhall, for every ſuch offence, forfeit and pay the ſu of 5l.

Courts-martial. No officer ſerving in the militia ſhall ſit in any court-ma tial, upon the trial of any officer or ſoldier ſerving in any his majeſty's other forces; nor ſhall any officer ſerving in an of his majeſty's other forces ſit in any court-martial, upon t trial of any officer or private man ſerving in the militia.

Agent appointed in actual ſervice. When any regiment ſhall be drawn out into actual ſervic the commanding officer may appoint an agent, and ſhall tak ſecurity from ſuch agent; and ſuch commanding officer hereby made liable to make good all deficiencies that may ha pen, from the ſaid agent, or from himſelf, upon account the pay, clothing, &c. of ſuch regiment.

One guinea to every man. When the militia of any county ſhall be ordered out into a tual ſervice, the receiver-general of the land-tax ſhall pay the captain or commanding officer, one guinea, for the uſe every private militia man; and to every captain or comman ing officer of a company, the ſum of one guinea for every r cruit; and the money ſo received, ſhall be laid out in the be manner for the reſpective militia men; and every captain commanding officer ſhall account to ſuch militia man how t ſaid ſum hath been applied, and ſhall pay the remainder any) to the ſaid militia man.

If beyond five years, a farther premium. If the term of ſervice of any perſon ſo ballotted, ſhall be pr longed beyond the term of five years, the receiver-general the land tax for the county, &c. ſhall forthwith pay to the ca tain, or commanding officer, one guinea for every perſon wh term of ſervice is ſo prolonged; and ſo on, a guinea for eve three years, to be laid out for the men to the beſt advanta

an

nd accounted for to every man before he receives his dif- 26 *G.* 3. *c.* 107.
harge.

The militia, when embodied, ſhall be entitled to the ſame Same pay as re-
ay as the other forces; and non-commiſſioned officers, &c. gulars.
aimed in ſervice, ſhall be entitled to the benefit of Chelſea Chelſea Hoſpital
oſpital.

When the militia ſhall be duly diſembodied, the officers and When diſem-
rivate men ſhall be ſubject to the ſame orders only, as they bodied.
ere ſubject to before they were drawn out.

The powers, &c. given to Northumberland, ſhall extend to Berwick militia;
erwick upon Tweed, &c. and their militia ſhall join that of
Northumberland.

The governor of the Iſle of Wight ſhall appoint the officers, Iſle of Wight
c. for that militia, who are to be qualified like thoſe for militia.
Wales.

And the militia of the ſaid iſland ſhall be raiſed in the ſame Part of Hants.
anner as the militia of the county of Southampton, and be
eemed a part of the militia of the ſaid county; but
hall continue in the iſland, unleſs otherwiſe ordered by his
is majeſty.

The conſtablery of Craike, in the county of Durham, ſhall Craike, in Dur-
e deemed part of the north riding of Yorkſhire; part of Maker ham.
ariſh ſhall be deemed part of the county of Cornwall; and
Wokingham ſhall be deemed part of the county of Berks; and Maker, Wok-
he townſhip of Filey, part of the eaſt riding of the county of ingham, &c.
York; and Threapwood, part of the county of Flint; and St.
Martin, near Stamford, ſhall bedeemed part of the county of
Lincoln; and be ſubject to the authority of the lieutenants,
c. of thoſe counties.

The warden of the ſtannaries, in purſuance of his majeſty's Tinners muſ-
ommiſſion, ſhall array, aſſeſs, arm, muſter, and exerciſe the tered.
inners, as hath been heretofore uſed.

The ſeveral lieutenants commiſſioned for the militia of the
ity of London, ſhall continue to liſt and levy the train bands Train bands.
s heretofore.

The conſtable of the tower may appoint deputy lieutenants, Tower hamlets;
c. from the tower hamlets, according to act 13 and 14 *Car.*
c. 3.

The deputy lieutenants may act when the lieutenant of the Deputy lieute-
amlets is out of the kingdom. nants may act.

No commiſſion, warrant, or appointment, granted to any Commiſſion per-
eputy lieutenant of the ſaid tower hamlets, ſhall be vacated manent.
y the death or removal of the lieutenant.

The conſtable of the tower, or lieutenant of the tower ham- Treaſurer of
ets, ſhall appoint a treaſurer of the trophy money, for re- trophy money.
eiving and paying ſuch monies as ſhall be levied by virtue of
he ſaid act of the 13 & 14 *Car.* 2, who ſhall yearly account,
pon oath, to the ſaid conſtable or lieutenant, or his deputy
eutenants, or any three or more of them; which accounts

ſhall

26 G. 3 c. 107. To whom accountable.

shall be certified to the justices of the peace for the said div sion or hamlets, at their next general or quarter-sessions; u less by reason of the death of such treasurer, or otherwise, suc accounts cannot be passed under the hands and seals of four more of such justices.

Trophy money balanced.

And no trophy money for a succeeding year shall be levie till the account of the former year has been allowed.

Cinque ports separate.

The warden of the cinque ports, &c. may act as lieutenant &c. of counties may do, and shall keep up the usual numb of soldiers in the said ports, &c. unless he or they shall fi cause to lessen the same; and the militia of the said ports, & shall remain separate from the militia of the several counti within which the said ports, &c. are situate; and may be ca led out, notwithstanding the pay advanced may not have be re-imbursed.

Churchwardens and overseers in Kent and Sussex.

Churchwardens and overseers in Kent and Sussex, may ma returns of men liable to serve, &c. and may have the authori hereby granted to constables in other places, and are subject the same penalties for neglect of their duty.

When and how orders issued.

From and after the last Tuesday in October next, his sa majesty's lieutenant, or, on his death or removal, or in his a sence, any three or more deputy lieutenants of the counties Sussex and Kent respectively, shall and may issue out his their orders to the chief constable of the several hundreds.

Returns to clerks of the peace.

Certified returns of the militia to be annually sent to t clerks of the peace to be filed.

Lieutenrnt's certificate to the sessions.

The lieutenant, or any three deputy lieutenants, where t militia shall be raised, shall, on or before the 25th of Dece ber, in every year, transmit a certificate to the clerk of the pac of the state of the militia in that year, and the time during whi such militia hath been trained and exercised; and every su clerk of the peace shall deliver such certificate to the justic of the peace, at their general quarter-session to be held ne after the 25th of December, in every year, on the day on whi such session shall be opened, and the same shall be filed amon the records of such session. When no such return is receive the same is to be certified by the clerk of the peace, and fil by him amongst the records of such session.

Where no certificate, an annual payment.

In every county and place where no such certificate shall transmitted, the sum of 5l. shall be annually paid for, and lieu of, every private militia man by this act directed to raised within the same county or place; and the justices of t peace shall, and are hereby required, at their said general qua ter-session, to rate and assess the sum of 5l. per man, as afor said, upon every such county or place, and upon every tow parish, &c. within such county, by such ways and means are directed with respect to county rates, by 12 G. 2, or any other act of parliament: No person who shall have serv as an officer in any body of militia raised within this kingdo for the space of four years, or who shall be then serving, sh

be liable to pay any part of ſuch rate, provided ſuch perſon ſhall have delivered a certificate of ſuch ſervice to the clerk of the peace, and alſo a roll or liſt of his tenants, and the places of their abode. 26 G. 3. c. 107.

When a certain number of militia men are directed to be raiſed for any county, together with any city or town being a county of itſelf, and the militia ſhall not be raiſed for ſuch county and city, or town, the payment of the ſaid ſum of 5l. per man upon the whole number of militia-men ſo directed to be raiſed, ſhall be divided between ſuch county, and ſuch city or town, in ſuch proportion as the reſpective quotas paid to the land-tax bear to each other, unleſs the apportionment of the number of ſuch militia men ſhall actually have been made, in which caſe the ſaid ſum of 5l. per man ſhall be borne by ſuch county, and by ſuch city or town, in ſuch proportions as the numbers of militia-men, ſo apportioned to be raiſed by ſuch county, and by ſuch city or town, bear to each other. If no militia raiſed.

Where there are no county-rates, the aſſeſſment is to be raiſed as the poor's rates are. Where no county-rates.

In all caſes where the militia ſhall not be raiſed within any city, town, or place, not rated to the county-rate, the proportion of the ſaid ſum of 5l. per man, to be borne by ſuch city, town, or place, ſhall be raiſed, levied, and collected within ſuch city, town, or place, by a ſeparate rate or aſſeſſment, as the rates for the relief of the poor are raiſed, and the churchwardens and overſeers of the poor ſhall, from time to time, pay over the ſame to the treaſurer of the county with which ſuch city, town, or place, ſhall be joined or united for the purpoſe of raiſing the militia. In what caſes borne by city, &c.

Where a town lies in two counties, the money aſſeſſed ſhall be paid to the treaſurer of the county wherein the church ſtands. Town in two counties.

If the aſſeſſment for a place where there are no county-rates, be not paid before the 1ſt of June, it may be levied by the juſtices of the peace, who ſhall cauſe the ſame to be levied by diſtreſs and ſale of the goods and chattels of the churchwardens or overſeers of the poor of every ſuch pariſh and diviſion, rendering the overplus (if any) to the owners; and all ſuch churchwardens and overſeers of the poor ſhall be reimburſed the money ſo levied on them reſpectively, by the ſame ways and means as overſeers of the poor are reimburſed, for the relief of the poor. Aſſeſſment levied by juſtices.

The treaſurer for every county or place, who ſhall receive the ſaid ſum of 5l. per man, is hereby required to pay all the money he ſhall ſo receive to the receiver-general of the land tax for ſuch county or place, within one calendar month after he ſhall receive the ſame; and when the whole ſum directed to be raiſed in any county or place, ſhall be paid into the hands of the receiver-general of the land tax, ſuch payment ſhall be a full diſcharge and indemnification to ſuch county or place Treaſurer to pay to receiver of land tax.

26 G. 3. c. 107. Receipt certified.

for the failure or neglect in the raiſing and training of the militia for the year; and the receiver-general ſhall, within ten days, certify the receipt thereof to the treaſury, and pay the money into the exchequer.

Salary to receiver.

A ſalary may be allowed the receiver, not exceeding 2d. in the pound, for ſo much money as he ſhall pay into the exchequer in purſuance of this act.

Treaſurer's allowance.

The treaſurer of every county ſhall be allowed the ſum of 1d. in the pound upon the whole ſum by him received and paid; and every high conſtable, &c. who ſhall act in the raiſing and collecting of the money, ſhall be allowed and paid by ſuch treaſurer, the ſum of 1d. in the pound of all ſuch money, in the raiſing and collecting whereof they ſhall act as aforeſaid, to be deducted out of the money received by him.

Lieutenants certificate to the ſeſſions.

The clerks of the peace ſhall, within 14 days next after the general quarter-ſeſſion of the peace to be held next after the 25th of December yearly, tranſmit to the treaſury, and alſo to the receiver-general of the land tax, a copy of every certificate received from the lieutenant, or any three deputy lieutenants, of ſuch county or place; and where ſuch certificate ſhall be omitted to be delivered, the clerk of the peace ſhall certify ſuch omiſſion to the treaſury, &c. and that ſuch clerk of the peace hath certified the ſame to the juſtices at the general quarter-ſeſſion, and required ſuch juſtices to proceed according to the directions of this act; and ſuch clerk of the peace ſhall alſo certify what proceedings have been had at ſuch general quarter-ſeſſion, where the militia ſhall not have been raiſed; and in caſe ſuch juſtices ſhall omit, neglect, or refuſe to proceed to raiſe the money according to the directions of this act, then the clerk of the peace of ſuch county or place ſhall, within fourteen days next after ſuch ſeſſion, certify to the ſolicitor of the treaſury ſuch omiſſion, neglect, or refuſal, of ſuch juſtices, and the names of the juſtices who ſhall be preſent at ſuch ſeſſion; and the ſolicitor of the treaſury ſhall forthwith proceed to compel ſuch juſtices to pay due obedience to this act, and to cauſe the ſaid money to be raiſed, collected, and paid.

Juſtices' omiſſion certified to the treaſury.

When money not levied and paid.

If the ſaid ſum of 5l. per man, ſhall not be levied and paid into the exchequer, the ſolicitor of the treaſury ſhall proceed to compel the levying and collecting of ſuch money, and the payment thereof into the exchequer.

Clerk of the peace's neglect to ſend the certificates.

If any clerk of the peace ſhall refuſe or neglect to tranſmit ſuch certificates, he ſhall, for every ſuch offence, forfeit and pay the ſum of 100l. and ſhall alſo forfeit his office, and be rendered incapable of holding any office of truſt, civil or military, under the crown; and if any receiver-general of the land tax, or other officer, ſhall wilfully omit, or neglect or refuſe to act therein, every ſuch receiver-general or treaſurer, ſo offending, ſhall, for every ſuch offence, forfeit and pay the ſum of 200l.; and every chief conſtable, 50l; and every ſuch

petty

petty conſtable, 20l.; and in caſe the ſolicitor of the treaſury ſhall wilfully omit or delay to proceed againſt ſuch juſtices of the peace, receivers-general of the land tax, treaſurers, or other officers aforeſaid, he ſhall, for every ſuch offence, forfeit and pay the ſum of 500l. 26 G. 3. c. 107.

The proviſions of act 24 G. 2, c. 44, reſpecting juſtices, ſhall extend to all his majeſty's lieutenants, and to all deputy lieutenants acting in the execution of this act, or any other act relating to the militia, in like manner, and as fully and effectually as the ſame extend to juſtices of the peace acting in the execution of their office. Juſtices power to lieutenants, &c.

The acceptance of a commiſſion in the militia ſhall not vacate the ſeat of any member returned to ſerve in parliament; and no perſon being an officer of the militia ſhall be compelled to ſerve the office of ſheriff. Seat not vacated.

No officer of the militia, or private militia man, ſhall be liable to any penalty, on account of his abſence during the time he ſhall be going to vote at any election of a member to ſerve in parliament, or during the time he ſhall be returning from ſuch election. Abſence to vote allowed.

No ſerjeant, corporal, drummer, nor any private man, from the time of his inrollment, until he ſhall be regularly diſcharged from the militia, ſhall be compelled to ſerve as a peace officer, or pariſh officer, or to perform any highway duty, commonly called ſtatute-work, or to ſerve in any of his majeſty's ſea forces. Exemptions.

Every perſon having ſerved in the militia when drawn out into actual ſervice, being a married man, may ſet up and exerciſe any trade in any town or place within Great Britain; and no ſuch militia man ſhall be liable to be removed out of any ſuch town or place, until he is become chargeable to the pariſh. Privileges.

All fines, penalties, and forfeitures, by this act impoſed, which ſhall exceed the ſum of 20l. ſhall be recovered in any of his majeſty's courts of record; and all which ſhall not exceed the ſum of 20l. ſhall, on proof, upon oath, of the offence before any juſtice of the peace of the county, riding, or place, where the offence ſhall be committed, be levied by diſtreſs and ſale, by warrant under the hand and ſeal of ſuch juſtice, rendering the overplus (if any) on demand; and for want of ſufficient diſtreſs, ſuch juſtice is hereby required, in all caſes where no particular time of commitment is herein-before directed, to commit ſuch offender to the common gaol of the county, riding, or place, where the offence ſhall have been committed, for any time not exceeding three months, and the money ariſing by all ſuch fines, penalties, and forfeitures, the application whereof is not otherwiſe particularly directed by this act, ſhall be paid to the clerks, or (where there are no clerks) to the commanding officers of the reſpective regiments, or other bodies of militia of the reſpective counties, &c. where Fines, &c. how recovered and applied.

26 G. 3 c. 107. such offences shall have been committed, and shall be made part of the public stock of such regiments, or other bodies of militia.

Not removable by certiorari. No order or conviction made by any lieutenant of any county, riding, or place, or by any two or more deputy lieutenants, or by any one deputy lieutenant, together with any one justice of the peace, or by any one justice or justices of the peace, by virtue of this act, shall be removed by certiorari into any court whatsoever.

Limitation of actions. If any action shall be brought against any person or persons, for any thing done in pursuance of this act, such action or suit shall be commenced within six months next after the fact committed, and shall be laid in the county or place where the cause of complaint did arise, and not elsewhere; and if judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have treble costs.

Former acts repealed. All former acts of parliament relating to the militia of this kingdom (except only such acts as relate to the militia of the city of London, the militia of the tower hamlets, and the militia of the cinque ports, and the two ancient towns, and their members) shall be, from the 24th of September, 1786, and they are hereby repealed.

Qualification certified. But the repealing of the said acts shall not annul or in any wise affect any commission of lieutenancy, or any other commission already granted, by virtue of the said former acts: Provided that no person shall act in the execution of this act, by virtue of any commission already granted, unless he is qualified as herein-before is directed, and also unless he has delivered, or shall deliver in a certificate, containing a specific description of his qualification, to the clerk of the peace, according to the directions of this act.

Militia Families.

32 G. 3. c. 8. BY this act, the families of militia-men chosen by lot, and ordered to march on actual service, are to receive a weekly allowance out of the poor rates, to be reimbursed out of the county stock. The said allowance to be according to the usual price of labour in husbandry within the said county, division, &c. *i. e.* any sum not exceeding the price of one day's such labour, nor less than 1s. for every child born in wedlock, and under the age of ten years; and for the wife of every such militia-man, whether she shall or shall not have any child or children, and provided she does not follow the regiment, any sum not exceeding the price of one day's labour, nor less than 1s.

Allowance to the wives and children of militia-men.

New rate, if necessary. If the poor-rates are insufficient, a new rate shall be made for the purpose of raising the sum required.

The

The treaſurer of the county, reimburſing to the overſeers of any pariſh ſuch weekly allowances to the family of any militia-man ſerving in the militia of any place, other than that where ſuch family dwells, ſhall tranſmit an account to the treaſurer of the county where the perſon ſhall ſerve, who ſhall pay the ſame, and ſhall be allowed the ſums ſo reimburſed by him in his accounts. 32 G. 3. c. 8. Treaſurer to be reimburſed.

If the family of any ſubſtitute, or volunteer ſerving in the militia when called into actual ſervice, ſhall become chargeable to the pariſh in which ſuch family ſhall dwell, and ſuch ſubſtitute ſhall not ſerve for the ſame pariſh, the juſtice of the peace who ſhall make an order for the relief of ſuch family, may direct the overſeers of the pariſh for which ſuch ſubſtitute ſhall ſerve, to reimburſe the money ſo paid to the overſeers who ſhall have advanced the ſame. Juſtice's order to overſeers to reimburſe thoſe of another pariſh,

The allowances to the families of militia-men, ſubſtitutes, or volunteers, ſhall not occaſion them to be ſent to work-houſes; nor ſhall they deprive the ſubſtitutes of their legal ſettlements elſewhere, nor of their right of voting for Members of Parliament. Wives and children not to be ſent to work-houſes.

If the ſubſtitute ſerves for any pariſh in another county, the monies advanced by the overſeers of the pariſh where the family ſhall dwell, ſhall be repaid them out of the county ſtock, by the treaſurer of that county, that, on producing a certificate of the order of the juſtice allowing ſuch relief (which certificate the juſtice is hereby required to grant); ſuch certificate, and an account of all monies ſo repaid, to be tranſmitted quarterly to the treaſurer of the county in the militia whereof ſuch ſubſtitute ſhall ſerve; which treaſurer ſhall reimburſe the ſame; and the account ſhall be laid before the juſtices at the general or quarter-ſeſſions, for their allowance thereof: And the juſtices ſhall make anorder for the overſeers of the poor of the pariſh for which ſuch ſubſtitute ſhall ſerve, to make good the ſame to the treaſurer of the county out of the poor rates; ſuch payments to be allowed in their reſpective accounts. Subſtitute ſerving for a pariſh in another county.

In places having peculiar juriſdictions, and not contributing to the county, the accounts are to be made over to the treaſurer, receiver, or other public officer. Peculiar juriſdictions.

N. B. A ſpecial proviſion is made in the city and county of the city of *Exeter*.—See the act, § VIII. and alſo another reſpecting the city and county of the city of *Briſtol*, § IX.

Whereas, by 26 *G.* 3. *c.* 107—If the term of ſervice ſhould be prolonged beyond five years, the receiver of the land-tax for the county was required to pay to the commanding officer of each company the ſum of one guinea for every perſon whoſe term was ſo prolonged; and if prolonged for more than three years, then another guinea, and ſo on at the end of every three years. This clauſe is, by this act, of 33 *G.* 3. *c.* 8, repealed; and the bounties ordered by the former act to be paid to militia-men choſen by lot, ſhall be continued to them, and extended

32 G. 3. c. 8. tended to ſubſtitutes and volunteers whoſe terms of ſervice are ſo prolonged. The money ſo received by ſuch commanding officer to be laid out in the manner moſt advantageous to ſuch militia-man, ſubſtitute, or volunteer, to whom ſuch commanding officer ſhall account for the application of the ſums received; paying him the remainder, if any, before he receives his diſcharge.

Miſdemeanour.

Signification of the term. THIS word ſignifies a *Crime*: But the law hath made a diſtinction between crimes of a higher and lower nature; the former being denominated *Felonies*; the latter *Miſdemeanours*.

This laſt is an act committed or omitted in violation of a public law, either forbidding or commanding it.

Crimes and miſdemeanours are terms which are frequently joined together; which, though properly ſpeaking, they are ſynonymous, are made to denote very different things; the word crimes extending to ſuch offences as are of a deeper and more atrocious dye; while ſmaller faults, and omiſſions of leſs conſequence, and the beginnings of greater offences not abſolutely perpetrated, are compriſed under the milder term of miſdemeanours. Theſe it is impoſſible to define or deſcribe; inaſmuch as they are as various in their nature as human actions; but they are fully ſet forth in the ſeveral codes of criminal juriſprudence.

Northern Borders.

13 & 14 C. 2. c. 22. Orders againſt moſs-troopers. THE juſtices of Northumberland and Cumberland may make order in ſeſſions, for charging the reſpective counties, for ſecuring the ſame againſt the moſs-troopers (that is, thieves and robbers, who, after having committed offences in the borders, eſcape through the waſtes and moſſes); ſo as Northumberland be not charged above 500l. nor Cumberland above 200l. a year. And they may appoint a commander, with 30 men in Northumberland, and 12 men in Cumberland, to ſearch for, purſue, and apprehend offenders.

13 G. 3. c. 31. Offender eſcaping into Scotland. If any perſon againſt whom a warrant ſhall be iſſued by any juſtice in England, for any offence againſt the laws of England, ſhall eſcape or go into Scotland; the ſheriff, or ſteward depute, or ſubſtitute, or any juſtice of the county or place where ſuch perſon ſhall be, may indorſe his name on the ſaid warrant, to apprehend the perſon againſt whom ſuch warrant is granted, and to convey him into the county or place in England

land (being adjacent to Scotland) in which the offence was committed, before a juſtice of ſuch county or place, to be there dealt with according to law; in caſe the offence was committed in the county not next adjacent to Scotland, then to convey him into any county of England adjacent to Scotland, before a juſtice there; who ſhall proceed, with regard to ſuch perſon, by indorſing the warrant, as by the 24 *G.* 2. *c.* 55, in like manner as if the perſon had been apprehended in the ſaid county. 13 G. 3. c. 31.

And if any perſon, againſt whom a warrant ſhall be iſſued by any juſtice of the peace of Scotland, ſhall eſcape or go into England, any juſtice of the county or place where ſuch perſon ſhall be, may indorſe his name on the ſaid warrant; to apprehend the perſon againſt whom ſuch warrant is granted, and to convey him into the county or place in Scotland (being adjacent to England) where the offence was committed, to be there dealt with according to law. Eſcaping from Scotland into England.

And the expence of removing priſoners as aforeſaid, ſhall be repaid to the perſon defraying the ſame, by the treaſurer of the county in England, or by the ſheriff, or ſteward depute, or ſubſtitute, of the county in Scotland, in which the offence was committed; the amount of ſuch expence being previouſly aſcertained upon oath before two juſtices of ſuch county, and allowed and ſigned by them. Expence of removing priſoners, by whom paid.

Nuiſance.

A COMMON nuiſance ſeems to be, an offence againſt the public, either by doing a thing which tends to the annoyance of all the kings ſubjects, or by neglecting to do a thing which the common good requires. 1 *Haw.* 197. Nuiſance deſcribed.

Annoyances to the prejudice of particular perſons, are not puniſhable by a public proſecution as common nuiſances, but are left to be redreſſed by the private actions of the parties aggrieved by them. *Id.* Different from private annoyances.

If it is a public nuiſance, the law hath provided an apt remedy, by preſentment or indictment at the ſuit of the king, in the behalf of all his ſubjects. 2 *Inſt.* 56. Preſentment or indictment.

Oaths.

IN all caſes, where any penalty is directed to be levied, or diſtreſs to be made, by any act of parliament now in force, or hereafter to be made, it ſhall be lawful for any juſtice or juſtices, acting under the authority of ſuch acts reſpectively, to adminiſter an oath or oaths for the purpoſe of levying ſuch penalties, or making ſuch diſtreſſes. 13 *G.* 3. *c.* 39. In what caſes to be adminiſtered.

The

Dalt. c. 111. Not to perſons accuſed.

The perſon accuſed ſhall not be examined upon oath; for by the common law, no man is obliged to accuſe himſelf: But it ſeemeth convenient, in caſes of felony eſpecially, that the information, which the juſtices do take againſt the priſoner, be upon oath; otherwiſe, upon the trial of the priſoner, ſuch information taken by the juſtice ſhall not be read or delivered to the jury, nor given in evidence againſt the priſoner upon his trial.

1 *H. II.* 586. Information on oath.

The information of the proſecutor or witneſſes ought to be upon oath, although the ſtatute doth not mention an oath; which information upon oath, being ſworn on the trial to be truly taken by the juſtice or his clerk, may be given in evidence againſt the priſoner, if the witneſſes be dead or not able to travel.

Dalt, c. 66. Witneſſes to be examined on oath.

Where one juſtice may puniſh offenders upon accuſation or proof generally, it ſeemeth that this muſt be by examination of witneſſes; and though the ſtatute doth not expreſsly ſet down that it ſhall be upon oath, yet it ſeemeth fit, that the juſtice do it upon oath: Yea, in all other caſes, whereſoever any man is authorized to examine witneſſes, ſuch authority to examine ſhall be taken and conſtrued to be in ſuch manner as the law requires, which is only by oath.

1 *G. ſt.* 2. *c.* 13. Oaths of allegiance, &c.

Two juſtices may ſummon, by writing under hand and ſeal, any perſon whom they ſhall ſuſpect to be dangerous or diſaffected to the government, to appear before them, at a certain day and time therein to be appointed, to take the oaths of allegiance, ſupremacy, and abjuration: And if ſuch perſon neglects or refuſes to appear, then on due proof made on oath of the ſummons having been ſerved on ſuch perſon, or left at his dwelling-houſe, or uſual place of abode, with one of the family there, they ſhall certify the ſame to the next ſeſſions, there to be recorded by the clerk of the peace. And if ſuch perſon ſhall neglect or refuſe to appear and take the oaths at the ſaid ſeſſions (the name of ſuch perſon being publicly read at the firſt meeting of the ſaid ſeſſions), then ſuch perſon ſhall be eſteemed and adjudged a popiſh recuſant convict; and the ſame ſhall be thence certified by the clerk of the peace into the chancery or king's bench, to be there recorded.

Oaths, &c. in the Court of Seſſion at Cheſter.

27 *G.* 3. *c.* 43. Power of juſtices of Cheſter.

BY this act, the juſtices of the court of ſeſſion for the county palatine of Cheſter, may, by one or more commiſſion or commiſſions under the ſeal of the ſaid county palatine, impower perſons to take affidavits in cauſes depending therein, in like manner as the juſtices of his majeſty's courts of king's bench, &c. uſe to do; and alſo the prothontary, or his officiating deputy, may take ſuch affidavits, &c. which ſhall be filed in the office of the prothontary of the ſaid county, and ſhall be

of the ſame force and effect as affidavits taken in the ſaid court now are: And all perſons forſwearing themſelves, in ſuch affidavits, ſhall be liable to the ſame penalties as for falſe affidavits in open court. 27 G. 3. c. 43.

No perſon appointed a commiſſioner as aforeſaid, nor the ſaid prothontary, or his deputy, ſhall take any affidavit within one mile of the caſtle of Cheſter, during the time of holding the ſeſſion for the ſaid county. No affidavit taken during the ſeſſion.

The juſtices of the ſaid court may, by their commiſſion, impower perſons to take recognizances; and the fees to be paid commiſſions to take recognizances ſhall be as follows: (to wit) the ſum of 2s. for the fiat or warrant; 7s. 6d. for making out the commiſſion, beſides the king's duty and parchment; 4s. for the ſeal; 5s. for taking every ſuch acknowledgment; and 1s. for the ſwearing the affidavit of the due taking thereof. Fees of juſtices.

The juſtices of the ſaid court may make rules for juſtifying bail by affidavits before the commiſſioners; but the power of prothontary, or his deputy, to take recognizances, ſhall not be affected by this act. Regulation of bail.

If any perſon ſhall repreſent another in entering into ſpecial bail, he ſhall be adjudged a felon, and ſhall incur the pains, penalties, and forfeitures, of an act of 4 *W. & M.* intituled, an act for taking ſpecial bails, &c. Fraudulent ſpecial bail.

Office.

NO perſons ſhall be elected to any office of magiſtracy, place, or truſt, relating to the government of cities, corporations, boroughs, cinque ports, and other port towns, who ſhall not have received the Sacrament of the Lord's Supper according to the rites of the church of England, within one year next before ſuch election: And every perſon ſo placed or elected, ſhall take the oaths of allegiance and ſupremacy, at the ſame time that the oath of office is taken; which ſhall be adminiſtered by thoſe, who, by charter or uſage, adminiſter the oath of office; and, in default of ſuch, by two juſtices of the corporation, if there be any ſuch; or otherwiſe by two juſtices of the county; and, in default thereof, every ſuch election and placing ſhall be void. Which ſaid juſtices abovementioned ſhall cauſe memorandums to be made of ſuch oaths taken before them, and delivered once a year to the town clerk, or other regiſter or clerk, who ſhall enter the ſame in their books. 13 *C.* 2. *c.* 1. 5 *G.* *c.* 6. Qualification for offices. Oaths, &c. Records of oaths.

But generally there is a clauſe of indemnification in ſome act in almoſt every ſeſſion of parliament, provided they qualify on or before a time in ſuch act limited. Act of indemnity.

Every perſon who ſhall be admitted into any office, civil or military, or ſhall receive any pay by reaſon of any patent or 25 *C.* 2. *c.* 2. Sacrament in three months.

25 *C.* 2. *c.* 2. grant from the king, or ſhall have any command or place of truſt in England or in the navy, or ſhall have any ſervice or employment in the king's houſhold, ſhall, within three months after his admiſſion, receive the Sacrament of the Lord's Supper, according to the uſage of the church of England, in ſome public church on the Lord's Day, immediately after divine ſervice and ſermon. And in the court where he takes the oaths (as hereafter mentioned, which ſhall be within ſix months after his admiſſion), he ſhall firſt deliver a certificate of ſuch his receiving the Sacrament, under the hands of the miniſter and churchwardens, and ſhall then make proof of the truth thereof by two witneſſes on oath. And he ſhall alſo, when he takes the ſaid oaths, make and ſubſcribe the declaration againſt tranſubſtantiation. All which ſhall be enquired of, and put upon record in the reſpective courts.

Certificate of it.

Id. Who are to take and ſubſcribe the oaths.

And theſe, together with all eccleſiaſtical perſons, heads and members of colleges, being of the foundation, or having any exhibition, of 18 years of age; and all perſons teaching pupils ſchoolmaſters and uſhers; preachers and teachers of ſeparate congregations; high conſtables, and practiſers of the law ſhall, within ſix calendar months after ſuch admiſſion, take and ſubſcribe the oaths of allegiance, ſupremacy, and abjuration in one of the courts at Weſtminſter, or at the general or quarter-ſeſſions of the place where he ſhall be or reſide, between the hours of nine and twelve in the forenoon, and no other; and during the time of taking thereof, all proceedings in the ſaid court ſhall ceaſe.

Place and time.

Duties on offices and penſions.

By the 31 *G.* 2. *c.* 22, altered and explained by the 32 *G.* 2, *c.* 33, there are certain duties laid upon offices and penſions and ſo much of the ſalaries of ſuch offices, as ariſeth from perquiſites, is directed to be under the management of the commiſſioners of the land tax.

32 *G.* 2. *c.* 33. Perquiſites.

By perquiſites are meant ſuch profits of offices and employments as ariſe from fees eſtabliſhed by cuſtom or authority, and payable either by the crown, or the ſubjects, in conſideration of buſineſs done in the courſe of executing ſuch offices and employments.

31 *G.* 2. *c.* 22.

Where the profits of ſuch offices ſhall ariſe from perquiſites due and payable in the courſe of office, and not from ſalaries fees, and wages paid by the crown, the ſame ſhall be under the management of the commiſſioners of the land tax, who ſhall aſcertain, according to the valuation of ſuch offices to the land tax, or otherwiſe according to the beſt of their judgment the ſum total of the perquiſites ariſing from ſuch office, diſtinct from the ſalary, fees, and wages thereof.

Liable to tax.

Pardon

WHEN a pardon is pleaded by any one for felony, the juſtices may, at their diſcretion, remand him to priſon till he enter into recognizance, with two ſureties for his good behaviour, for any time not exceeding ſeven years. 5 *W.* c. 13. Sureties for one pleading pardon.

Parliament.

THE oath of qualification for a ſeat in parliament, by eſtate, may be adminiſtered upon reaſonable requeſt made by the returning officers or two juſtices; who ſhall in three months certify the ſame into the chancery or king's bench. But this is not to extend to the eldeſt ſon of a peer, or of any perſon qualified to ſerve as knight of a ſhire, nor to the members for either of the two univerſities. 9 *An.* c. 5. Oath to be taken of qualification, if required. Perſons exempt.

No perſon ſhall be admitted to vote under the age of 21 years. 7 & 8 *W.* c. 25. Age of voters.

Every elector of a knight of the ſhire ſhall have land or tenement to the value of 40s. by the year at leaſt above reprizes. And by the 10 *H.* 6. c. 2, the ſaid 40s. a year ſhall be freehold. Eſtate of voters.

No perſon ſhall vote for a knight of the ſhire, without having a freehold eſtate in the county, of the clear yearly value of 40s. over and above all rents and charges payable out of the ſame, on penalty of 40l. 18 *G.* 2. c. 18. Penalty for voting unqualified.

No perſon ſhall vote for a knight of the ſhire, without having been in the actual poſſeſſion of the eſtate for which he votes, or in the receipt of the rents or profits thereof for his own uſe, above twelve calendar months; unleſs the ſame came to him by deſcent, marriage-ſettlement, deviſe, or promotion to a benefice or office. *Id.* Time of poſſeſſion.

The commiſſioners of the land tax ſhall cauſe to be delivered to each aſſeſſor, a printed form of an aſſeſſment, who ſhall make three duplicates of ſuch aſſeſſments, and ſhall (at leaſt 14 days before delivering the aſſeſſment to the commiſſioners) cauſe one of the ſaid duplicates, or a fair copy thereof, to be ſtuck up upon the door of the church or chapel. And if the name of any owner entitled to vote ſhall not appear to be inſerted in the aſſeſſment, he may, on giving notice in writing to one of the aſſeſſors, appeal to the ſaid commiſſioners, who ſhall amend the aſſeſſment as they ſhall ſee cauſe: And cauſe one of the duplicates ſo amended (after having been ſigned and ſealed by the ſaid commiſſioners, or any three of them), to be returned to the aſſeſſors; who ſhall, within ten days, deliver the ſame to the chief conſtable, taking his receipt for the ſame. And the chief conſtable ſhall deliver upon oath ſuch duplicate, without alteration, at the next ſeſſions, in open court, the firſt day of the ſeſſions, to the clerk of the peace, 20 *G.* 3. c. 17. Liſt of perſons aſſeſſed. Appeal by any perſon omitted. Liſt delivered to high conſtable.

18 *G.* 2. *c.* 18. Neglect of officers, how puniſhed.

to be by him filed and kept amongſt the records. And if the aſſeſſor ſhall not deliver ſuch duplicate, ſo amended, to the chief conſtable; or if the chief conſtable ſhall neglect to deliver the ſame to the clerk of the peace, or wilfully alter the ſame; he ſhall forfeit 5l. and if not immediately paid, the juſtices at the Michaelmas ſeſſions ſhall, by order of the court, iſſue a warrant of diſtreſs. But if the chief conſtable ſhall make oath at ſuch ſeſſions, that ſuch duplicate was not delivered to him by the aſſeſſor, the ſaid fine ſhall be impoſed upon ſuch aſſeſſor or aſſeſſors; and the juſtices ſhall, by order of court, iſſue a warrant of diſtreſs. The ſaid fines to be paid to the treaſurer, and applied as part of the county ſtock.

Fines, how applied.

20 *G.* 3. *c.* 17. Neglect to be remedied forthwith.

And when any aſſeſſment ſhall not have been made by the aſſeſſors, and returned to the chief conſtable, and by him to the clerk of the peace; the juſtices in ſeſſions, or any two juſtices out of ſeſſions, may order ſuch aſſeſſment forthwith to be made and returned in manner aforeſaid.

Id. Power of appeal.

And if any perſon ſhall think himſelf aggrieved, he may appeal to the juſtices at the next ſeſſions, giving ten days notice thereof to one of the commiſſioners who ſigned the duplicate, and to one of the aſſeſſors of the place where the eſtate lies; and the ſeſſions may award coſts to either of the parties, and, by their order or warrant, levy the ſame by diſtreſs.

Id. Names inſerted on appeal, valid.

If the ſaid commiſſioners, or the ſaid juſtices in ſeſſions, upon any appeal, ſhall inſert the names of any perſons who have been improperly omitted; ſuch perſons ſhall be deemed to be rated as effectually, as if the names of ſuch perſons had been originally inſerted.

22 *G.* 3. *c.* 41. What perſons excluded from voting.

If any commiſſioner or officer employed in the cuſtoms, exciſe, or ſtamp duties, or any branch of them, or any ſalt officer, or ſurveyor, collector, or manager of the window or houſe duties, or any poſt-maſters or mates of packets employed in carrying mails, ſhall vote at elections for knights of the ſhire, citizen, burgeſs, &c. while they hold, or within twelve calendar months after they ſhall have ceaſed to execute any of theſe offices, ſuch votes ſhall be null and void; and every perſon offending againſt this ſtatute, ſhall forfeit the ſum of 100l. one moiety to the informer, and the other to be paid into the hands of the treaſurer of the county, to be applied by the juſtices, as they ſhall think fit, at the next general quarter-ſeſſions. But this act, and the penalties thereof, ſhall not extend to ſuch perſons as are commiſſioners of the land tax, or to any perſon acting by their appointment in aſſeſſing, collecting, or managing the land tax, or any other rates and duties impoſed by authority of parliament. [See alſo Juſtices Act, 32. *G.* 3. *c.* 53.]

2 *G.* 2. *c.* 24.

Before the returning officer ſhall proceed to the election, he ſhall, immediately after the reading of the writ, take and ſubſcribe the following oath, to be adminiſtered by a juſtice of the peace, or any three electors. *I* A. B. *do ſolemnly ſwear, that I have not, directly or indirectly, received any ſum or ſums of money,*

Returning officer's oath.

office,

office, place, or employment, gratuity, or reward, or any bond, bill, or note, or any promise of gratuity whatsoever, either by myself, or any other person, to my use or benefit or advantage, for making any return at the present election of members to serve in parliament; and that I will return such person or persons as shall, to the best of my judgment, appear to me to have the majority of legal votes.— Which oath shall be entered amongst the records of the sessions.

Partition.

IF the high sheriff cannot conveniently be present at the execution of any judgment in partition, in such case the under sheriff, in presence of two justices, may proceed to execution of the writ of partition. 8 & 9 *W.* c. 31. Writ of partition, by whom executed.

Pawnbrokers.

PAWNBROKERS are allowed to take the following rate for their profit, viz. 27 *G.* 3. *c.* 37.

Rates.

For 5s. lent on a pledge,	—	1d.
For 7s. 6d. lent on ditto,	—	1½d.
For 10s. lent on ditto,	—	2d.
For 12s. 6d. lent on ditto,	—	2½d.
For 15s. lent on ditto,	—	3d.
For 17s. 6d. lent on ditto,	—	3½d.
For 1l. lent on ditto,	—	4d.

And so on for any sum not exceeding 10l. to be paid for by the calendar month, including the current month, in manner above-mentioned. 27 *G.* 3. *c.* 37.

Where any intermediate sum lent upon any pawn or pledge shall exceed 2s. 6d. and not amount to 10l. the person lending the same may take, by way of profit, at and after the rate of 4d. and no more, for the loan of 20s. by the calendar month, including the current month, as aforesaid. 4d. in the pound per month on all above 2s 6d. and under 10l.

The party entitled to and applying for the redemption of goods pawned, within the space of seven days after the expiration of the first calendar month after the same shall have been pledged, shall be at liberty to redeem the same, without paying any thing by way of profit to the pawnbroker for the said seven days, or such part thereof as shall then have elapsed; but after the expiration of the said first seven days, and before the expiration of the first fourteen days of the second calendar month, the party so applying shall be at liberty to redeem such goods, upon paying the profit payable for one calendar month, and the half of another, to the pawnbroker; after the expiration of the said first fourteen days, and before the expiration of the said second calendar month, it shall be lawful for the pawnbroker to demand and take the profit of the whole second Party applying to redeem.

72 G. 3. c. 37. second month; and so on in every subsequent calendar month wherein application shall be made for redeeming goods pawned.

Entry in books. All pawns shall be entered in books, if the same shall exceed 5s. before the money is advanced, with the day of the month, and year when the sum was lent, and the name and place of abode of the person or persons by whom such goods or chattels are so pawned, and also the name and place of abode of the owner or owners thereof, according to the information of the person pawning the same; where the money lent shall not exceed 5s. such entry shall be made within four hours next after the said goods shall have been pawned.

Note to be given. Pawnbrokers are to give a note describing things pawned, with the particulars of time, place of abode, and name of the party pawning, and the owner of the property so pawned.

Every such note, where the sum shall be less than 5s. shall be given gratis:

Price of it.

Where it is 5s. and less than 10s.	—	½d.
For 10s. and under 20s.	—	1d.
For 20s. and under 5l.	—	2d.
For 5l. and upwards,	—	4d.

To be produced on demanding goods. Which note shall be produced to the pawnbroker, before he or she shall be obliged to re-deliver the goods, except as hereinafter is excepted.

Pawning other's goods. If any person shall knowingly pawn, or unlawfully dispose of the goods or chattels of any other person or persons, not being employed by the owner so to do, and shall be thereof convicted by the oath of any credible witness, or by confession of the person charged with such offence, before any justice or justices of the peace for the county, or place where the offence shall be committed (which oath every such justice or justices is and are hereby impowered to administer), every such offender shall,

Penalty. for every such offence, forfeit 20s. and also the full value of the goods so pawned, such value to be ascertained by such justice or justices; and on non-payment forthwith, the justice or justices, before whom such conviction shall be had, shall commit the party so convicted to the house of correction, or some other public prison of the county, town, or place wherein the offender shall reside, or be convicted, there to remain

Imprisonment. and be kept to hard labour for the space of not more than three calendar months, nor less than one, unless the said forfeitures shall be sooner paid. If within three days before the expiration of the said term of commitment, the said forfeiture shall not be paid, the said justice or justices shall, and is and are hereby required to order, upon the application of the prosecutor or prosecutors, the person or persons so convicted to be

Whipping, if not paid. publicly whipped in the house of correction or prison, to which the offender or offenders shall have been committed, or in some other public place of the county, town, or place, where the offence shall have been committed, as to such justice or justices

shall seem proper. The forfeitures, when recovered, shall be applied towards making satisfaction to the party injured, and defraying the costs of the prosecution, as shall be judged reasonable by the justice or justices before whom such conviction shall be had; but if the party or parties injured shall decline to accept of such satisfaction and costs, or if there shall be any overplus, after making satisfaction and paying costs, then such respective forfeitures, or the overplus thereof, shall be paid to the overseers for the use of the poor of such parish or place. 27 G. 3. c. 37. Costs to injured party, or, if refused, to the poor.

If any person or persons shall counterfeit, forge, or alter, or procure to be counterfeited, forged, or altered, any such note, or sell any such note as aforesaid, knowing the same to be counterfeited, forged, or altered, with intent to defraud, every such person shall be punished as is herein-after mentioned, and any person to whom any note shall be uttered or offered, suspected to have been counterfeited, forged, or altered, may seize and detain such person or persons uttering or offering the same, and deliver him, her, or them, into the custody of a peace officer, to convey such person or persons before some justice or justices of the peace for the county, or place wherein the offence shall be supposed to have been committed; and if it shall appear, to the satisfaction of such justice or justices, that the person or persons charged with having committed any such offence is or are guilty thereof, the said justice or justices shall commit the party or parties offending to the common gaol or house of correction, for any time not exceeding three calendar months, nor less than one, at the discretion of such justice or justices. Forging note or altering it. Imprisonment.

If any person or persons who shall offer any goods by way of pawn, shall not be able, or shall refuse to give a satisfactory account of himself, herself, or themselves, or of the means by which he, she, or they became possessed of such goods or chattels, or shall give any false information as to whether such goods or chattels are his, her, or their own property or not; or if there shall be any reason to suspect that such goods or chattels are stolen, or otherwise illegally obtained; or if any person or persons not entitled, nor having any colour of title by law to redeem goods or chattels in pledge or pawn, shall attempt or endeavour to redeem the same, any person or persons, his, her, or their servants, to whom such goods shall be so offered, or with whom such goods are in pledge, may seize and detain such person or persons, and the said goods or chattels, and deliver such person or persons immediately into the custody of a peace officer, to be conveyed, with the said goods or chattels so offered, before some justice or justices of the peace for the county or place wherein the offence shall be supposed to have been committed; and if such justice or justices shall, upon examination, have cause to suspect that the said goods were stolen, or illegally obtained, or that the person or persons Goods unlawfully pawned, or unlawfully claimed. Offender, how dealt with.

27 G. 3. c. 37. perſons offering and endeavouring to redeem the ſame, ſhall not have any pretence or colour of right to redeem the ſame, ſuch juſtice or juſtices may commit ſuch perſon or perſons into ſafe cuſtody for ſuch reaſonable time as ſhall be neceſſary for the obtaining proper information on the ſubject, in order to be further examined: And if, upon either of the ſaid examinations, it ſhall appear, to the ſatisfaction of ſuch juſtice or juſtices, that the ſaid goods or chattels were ſtolen, or illegally obtained, or that the perſon offering or endeavouring to redeem the ſame hath not any pretence or colour of right ſo to do, the ſaid juſtice or juſtices may commit the party or parties offending to the common gaol or houſe of correction of the county or place wherein the offence ſhall be committed, there to be dealt with according to law, where the nature of the offence ſhall authorize ſuch commitment by any other law; and where it ſhall not authorize ſuch commitment, then for any time not exceeding three, nor leſs than one calendar month, at the diſcretion of ſuch juſtice or juſtices.

Juſtice's conduct when goods are unlawfully pawned.

If the owner of any goods unlawfully pawned, ſhall make out, on oath, or by the oath of any credible witneſs, or, being a quaker, by ſolemn affirmation, before any juſtice or juſtices of the peace within his or their juriſdiction, that ſuch owner hath had his or her goods unlawfully pawned, and that there is juſt cauſe to ſuſpect that any perſon or perſons within the juriſdiction of any ſuch juſtice or juſtices hath or have, knowingly and unlawfully, taken them to pawn, and ſhall make appear, to the ſatisfaction of any ſuch juſtice or juſtices, probable grounds for ſuch ſuſpicion, any juſtice or juſtices, within his or their juriſdiction, may iſſue a warrant for ſearching, in the day time, the houſe, warehouſe, or other place, of any ſuch perſon or perſons, who ſhall be charged on oath or affirmation as ſuſpected to have knowingly and unlawfully received or taken in pawn any ſuch goods, without the privity of the owner.

Search allowed.

If the occupier of any houſe, warehouſe, or other place wherein any ſuch goods ſhall, on oath or affirmation, be charged or ſuſpected to be, ſhall refuſe to open the ſame, and not permit the ſame to be ſearched, it ſhall be lawful for any peace officer, by warrant from a juſtice of the peace in the diviſion, to break open any ſuch houſe, warehouſe, or other place, in the day time, and to ſearch, as he ſhall think fit, for the goods or chattels ſuſpected to be there, doing no wilful damage; and

Not to be oppoſed by pawnbroker.

no pawnbroker, or other perſon, ſhall oppoſe or hinder any ſuch ſearch; and if, upon the ſearch of the houſe, warehouſe, or other place of any ſuch ſuſpected perſon, any of the goods ſo knowingly and unlawfully pawned, ſhall be found, and the property of the owner ſhall be made out, to the ſatisfaction of ſuch juſtice or juſtices, by the oath of one or more credible witneſs or witneſſes, or if quakers, by ſolemn affirmation, or by the confeſſion of the perſon charged with any ſuch offence,

ſuch

ſuch juſtice or juſtices ſhall cauſe the goods ſo found, and unlawfully pawned, to be reſtored to the owner thereof.

27 G. 3. c. 37. If goods are found, to be reſtored.

If any goods ſhall be pawned for ſecuring any money lent thereon, not exceeding 10l. including the profit thereof, and if within one year after the pawning thereof, proof having been made on oath or affirmation by one credible witneſs, and by producing the note or memorandum directed to be given by this act, before any juſtice or juſtices, of the pawning or pledging of any ſuch goods within the ſaid ſpace of one year, any ſuch pawner, who was the real owner of ſuch goods, his or her executors, adminiſtrators, or aſſigns, ſhall tender unto the perſon who lent, on the ſecurity of the goods pawned, his executors, adminiſtrators, or aſſigns, the principal money borrowed thereon, and profit, according to the table of rates by this act eſtabliſhed, and the perſon who took ſuch goods or chattels in pawn, his executors, adminiſtrators, or aſſigns, ſhall thereupon, without ſhewing reaſonable cauſe for ſo doing, to the ſatisfaction of ſuch juſtice or juſtices, neglect or refuſe to deliver back the goods ſo pawned, for any ſum or ſums of money, not exceeding the ſaid principal ſum of 10l. to the perſon who borrowed the money thereon, his or her executors, adminiſtrators, or aſſigns, then, on oath or affirmation thereof made by the pawner thereof, his or her executors, adminiſtrators, or aſſigns, or ſome other credible perſon, any juſtice of the peace for the county or place where the perſon who took ſuch pawn, his executors, adminiſtrators, or aſſigns, ſhall dwell, on the application of the borrower, his or her executors, &c. is hereby required to cauſe ſuch perſon who took ſuch pawn, or his, or her, or their executors, &c. within the juriſdiction of the juſtice or juſtices, to come before ſuch juſtice or juſtices; and ſuch juſtice or juſtices is and are hereby authorized and required to examine on oath, or affirmation, as the caſe may require, the parties themſelves, and other credible perſon, touching the premiſes; and if tender of the principal money due, and all profit thereof, ſhall be proved to have been made (ſuch principal money not exceeding the ſaid ſum of 10l.) by the borrower, within the ſaid ſpace of one year after pledging the goods or chattels, then on payment of ſuch principal money, and the profit due thereon, the goods ſo pawned ſhall be reſtored; and in caſe the lender ſhall refuſe to accept thereof, on tender made by the borrower before any ſuch juſtice or juſtices, ſuch juſtice or juſtices ſhall, by order, direct the goods or chattels ſo pawned, forthwith to be delivered up to the pawner, or his or her executors, adminiſtrators, or aſſigns; and if the perſon who have lent any ſum not exceeding 10l. ſhall neglect or refuſe to deliver up, or make ſatisfaction for the goods proved to have been ſo pawned, any juſtice or juſtices is and are hereby authorized and required to commit the party ſo refuſing to the houſe of correction, or ſome other public priſon of the county, &c. without

Goods under 10l. to be delivered, on tender of money lent, and intereſt, within the year.

Puniſhment for refuſing.

27 G. 3. c. 37.

bail, until he or ſhe ſhall deliver up the goods ſo pawned, or make ſatisfaction for the value thereof.

Perſon producing the note deemed the owner.

Any perſon who ſhall produce any ſuch note or memorandum as aforeſaid, to the perſon or perſons with whom the goods were pawned, as the owner thereof, or as authorized by the owner thereof, to redeem the ſame, and require a delivery of the goods, ſhall be deemed the real owner of ſuch goods; and the pawnbroker ſhall, after receiving ſatisfaction purſuant to this act, deliver ſuch goods to the perſon who ſhall produce the ſaid note, and ſhall be indemnified for ſo doing, unleſs he or ſhe ſhall have had previous notice not to deliver the ſame to the perſon or perſons producing ſuch note, or unleſs notice ſhall have been given that the goods pawned have been, or are ſuſpected to have been, fraudulently or feloniouſly taken or obtained, and unleſs the real owner thereof proceeds in manner herein-after directed for the redeeming of goods pledged,

Where note hath been loſt.

where ſuch note hath been loſt, miſlaid, or fraudulently obtained. In every ſuch caſe, the pawnbroker ſhall, at the requeſt of any perſon who ſhall repreſent himſelf or herſelf as the owner of the goods in pledge, deliver a copy of the note ſo loſt, miſlaid, deſtroyed, or fraudulently obtained, with the form of an affidavit, printed or written, or in part printed and in part written, on the ſaid copy, for which copy and form of af-

Another delivered.

fidavit, in caſe the money lent ſhall not exceed 10s. the pawnbroker ſhall receive 1d.; and in caſe the money lent ſhall exceed 10s. ſuch ſum as he is entitled to receive on giving the original note; and the perſon or perſons having obtained ſuch copy of the note and form of affidavit, ſhall prove his or her property in ſuch goods, to the ſatisfaction of ſome juſtice of of the peace for the county or place where the ſaid goods ſhall have been pledged; and ſhall alſo verify on oath, or affirmation, before ſome juſtice of the peace, the truth of the circumſtances mentioned in ſuch affidavit or affirmation, ſuch oath or

Loſs verified on oath.

affirmation to be authenticated by the juſtice before whom the ſame ſhall be made; whereupon the pawnbroker ſhall ſuffer the perſon proving ſuch property to the ſatisfaction of ſuch

Second note.

juſtice, on leaving ſuch copy of the ſaid note, and the ſaid affidavit or affirmation, with the pawnbroker, to redeem ſuch goods.

Goods ſold by auction after a year.

All goods and chattels which ſhall be pawned or pledged, ſhall be deemed forfeited, and may be ſold, at the expiration of one whole year; and all goods ſo forfeited, on which any ſum above 10s. and not exceeding 10l. ſhall have been lent, ſhall be ſold by public auction, but not otherwiſe, by the order of the perſon having the ſame in pawn, after the expiration of the ſaid year; the name of the pawnbroker with whom the ſaid goods were in pledge, to be inſerted on two ſeveral days in ſome public newſpaper, two days at leaſt before the firſt day of ſale, upon pain of forfeiting to the owner of the goods, for every offence, the ſum of 5l.; and all perſons redeeming

deeming any goods which were pawned before the 11th of July, 1787, shall be permitted so to do upon the terms of, and according to the table of rates established by, the act, which was passed in the 24th year of the reign of his present majesty, and on no other terms. 27 G. 3. c. 37.

Further time allowed for redeeming.

If any person entitled to redeem goods in pledge, shall before the expiration of one year, give notice in writing to the person having the same in pledge, not to sell the same at the end of one year; such goods shall not be sold by the person having the same in pledge, until the end of three months from the expiration of the said year; during which term of three months, the owner shall have liberty to redeem the same, upon the terms provided by this act.

Account of sale.

Pawnbrokers shall enter in a book, under a penalty of 10l. for neglect, a true and just account of the sale of all goods pawned for upwards of 10s. which shall be sold as aforesaid, expressing the day when, and the money for which such goods were sold, with the name and place of abode of the auctioneer by whom the same were sold; and if any such goods shall be sold for more than the principal money and profit due thereon, the overplus shall be paid, on demand, to the persons by whom or on whose account such goods were pawned, or their executors, &c. in case such demand shall be made within three years after such sale, the necessary costs and charges of such sale being first deducted; the entry of every such sale to be inspected, on paying for such inspection 1d.; and in case any person shall refuse to pay such overplus, upon demand, every such person so offending shall, for every such offence, forfeit treble the sum such goods shall originally have been pawned for, to be levied by distress and sale, by warrant under the hands and seals of any two justices of the peace for the county or place where the offence shall be committed.

Overplus to owner.

Entry of sale may be inspected.

Restrictions on pawnbroker's purchasing or receiving.

No pawnbroker shall purchase goods whilst they are in his custody, save and except at such public auction as aforesaid; nor shall any pawnbroker purchase, or receive or take any goods in pledge, of or from any person who shall appear to be under the age of twelve years, or to be intoxicated with liquor, or purchase, or take in pawn, the note of any other pawnbroker; nor buy any goods or chattels in the course of his trade or business, before the hour of eight o'clock in the forenoon, or after seven in the evening, throughout the year; nor take in goods by way of pawn before eight in the forenoon, or after nine in the evening, between Michaelmas-day and Lady-day, or before seven in the forenoon, or after ten in the evening, during the remainder of the year, excepting only on the evenings of Saturday, and on the evenings preceding Good Friday and Christmas-day; nor shall any person or persons exercise or carry on the trade or business of a pawnbroker on any Sunday, Good Friday, or Christmas-day.

27 G. 3. c. 37. Rate of profit, &c. placed in the ſhop, viſible and legible.

Every pawnbroker ſhall cauſe to be painted or printed, in large legible characters, the rate of profit allowed by this act, and alſo the various prices of the notes or memorandums to be given, and place the ſame in a conſpicuous part or parts of the ſhop, ſo as to be viſible to, and legible by, the perſons pledging goods at ſuch ſhop.

This clauſe is repealed by 28 G. 3. c. 50, ſee below.

If any difference or diſpute ſhall ariſe between perſons pledging or redeeming, or offering to redeem, any goods or chattels, and the pawnbroker, every ſuch difference or diſpute, in caſe the original ſum lent was under 40s. ſhall be ſettled and determined by any juſtice of the peace acting for the county or place, who is hereby authorized and required, upon application, to hear and determine the ſame, which determination ſhall be final.

Chriſtian and ſurname. Penalty for neglect.

Every pawnbroker ſhall cauſe to be painted or written, in large legible characters, over the door of his or her ſhop or other place made uſe of for carrying on that buſineſs, his or her chriſtian and ſurname, and the word *pawnbroker* following the ſame, upon pain of forfeiting 10l. for every place ſo made uſe of for the ſpace of one week, without ſuch name, &c. ſo painted or written, to be recovered by diſtreſs and ſale of the offender's goods and chattels, by warrant under the hands and ſeals of any two juſtices of the peace acting within the county or place (which warrant ſuch juſtices are hereby authorized and required to grant), upon the confeſſion of the party or parties, or upon the information of any credible witneſs or witneſſes, upon oath or affirmation; and the ſaid penalty when the charges of recovering it ſhall be deducted, ſhall be paid, one half to the informer, and the other half to the uſe of the poor of the pariſh or place in which the offence ſhall be committed; and in caſe ſufficient diſtreſs ſhall not be found, or ſuch penalty ſhall not be forthwith paid, ſuch juſtices are hereby required, by warrant under their hands and ſeals, to cauſe the offender or offenders to be committed to the county gaol or houſe of correction, for any time not exceeding three calendar months, nor leſs than 14 days, unleſs the ſaid penalty, and all reaſonable charges, ſhall be ſooner paid and ſatisfied.

Application of penalty.

Pawnbroker offencing

If any of the goods or chattels pawned as aforeſaid have been ſold before the time allowed by this act, or otherwiſe than according to the directions of this act, or have been embezzled, or have been rendered of leſs value than the ſame were at the time of pawning or pledging thereof, by or through the default or neglect of the perſon to whom the ſame were ſo pledged or pawned, it ſhall be lawful to and for every ſuch juſtice and juſtices, to allow a reaſonable ſatisfaction to the owner of ſuch goods; and the ſum ſo allowed ſhall be deducted out of the principal and profit: If the ſatisfaction to be allowed ſhall be equal to, or exceed the principal and profit, then the perſon to whom the ſame were ſo pledged, his or her executors, &c.

ſhall make ſatisfaction.

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shall deliver the goods or chattels so pledged to the owner or owners thereof, without being paid any thing for principal or profit, and shall also pay such excess, if any, to the person or persons entitled thereto, under the penalty of 10l. to be recovered and applied in manner herein-after mentioned. 27 G. 3. c. 37.

Any justice, upon complaint made to him, on the oath or affirmation of one or more credible witness or witnesses, may summon the pawnbroker before him, to attend with any book or paper, which he or she may or ought to have in his or her custody, relating to the same; and in case such pawnbroker shall neglect or refuse to attend, or to produce the same, such pawnbroker shall forfeit 10l. Pawnbroker being summoned, to appear with books.

Where no forfeiture or penalty is provided or imposed on any particular or specific offence against any part of this act, the pawnbroker shall forfeit 5l.; and all forfeitures incurred by any offence against this act, may be levied by distress and sale of the goods of the offender, by warrant under the hand and seal, or hands and seals of any justice or justices of the peace for the county or place where the offence shall be committed; half to the party complaining, and half to the overseers of the poor of the parish or place where the offence shall have been committed. Provided information shall be given of such offence or offences within twelve calendar months next after the offence committed. Forfeiture 5l. if not otherwise directed. How levied. Limitation.

The churchwardens and overseers of the poor of any parish where any offence shall be supposed to have been committed by any pawnbroker against this act, on having notice from a justice of the peace of such offence being supposed to have been committed, shall, and they are hereby required to prosecute every offender for every offence so to be suggested by such justice, at the expence of the parish. Prosecutions by parish officers.

This act is not to extend to persons lending money at 5l. per cent. without further profit.

Justices are not to have any fees or gratuities for any proceedings whatsoever in pursuance of this act. Justices to act without fees.

The provisoes of this act are to extend to executors, &c. of pawnbrokers, except that no such executor or administrator of any such deceased pawnbroker shall be answerable for any penalty or forfeiture out of his or her own estate, unless the same shall be incurred and forfeited by his or her own act or neglect. Extends to executors.

Any person molested or prosecuted for any thing by him done in pursuance of this act, may plead the general issue; and if a verdict shall pass for the defendant, or the plaintiff become nonsuited, such defendant shall have double costs. General issue may be pleaded. Double costs.

Any inhabitant of the parish, town, or place, in which any offence or offences shall be committed against this act, shall be admitted to give evidence, notwithstanding his or her being an inhabitant of such parish, town, or place. Inhabitant may be witness.

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27 G. 3. c. 37. Conviction to be recorded.

The conviction to be tranſmitted to the next general or quarter-ſeſſion of the peace, to be filed and kept amongſt the records; and in caſe any perſon ſo convicted ſhall appeal to the ſaid general or quarter-ſeſſion, the juſtices are hereby required, upon receiving the ſaid conviction drawn up in the form directed by this ſtatute, to proceed to the hearing and determination of the matter of the ſaid appeal; and no certiorari ſhall be granted to remove any conviction, or other proceedings had thereon, in purſuance of this act.

Liberty of appeal.

If any perſon, thinking him or herſelf aggrieved by the judgment of the juſtice or juſtices before whom he or ſhe ſhall have been convicted, ſhall appeal to the juſtices at the next general or quarter-ſeſſion of the peace, the execution of the ſaid judgment ſhall in ſuch caſe be ſuſpended; the perſon ſo convicted entering into a recognizance, at the time of ſuch conviction, with two ſufficient ſureties, in

Security given.

double the ſum which ſuch perſon ſhall have been adjudged to forfeit, to proſecute ſuch appeal with effect, and to be forthcoming to abide the judgment and determination of the juſtices in their ſaid next general or quarter-ſeſſion, and to pay ſuch coſts as the ſaid juſtices in ſuch ſeſſion ſhall award on ſuch occaſion; and the juſtices in the ſaid general or quarter ſeſſion are hereby authorized and required to hear and finally de-

Seſſions to determine.

termine the matter of the ſaid appeal, and to award ſuch coſts as to them ſhall appear juſt and reaſonable to be paid by either party; and if the judgment ſhall be affirmed, ſuch appellant ſhall immediately pay the ſum which he or ſhe ſhall have been adjudged to forfeit, together with ſuch coſts as the juſtices in the ſaid general or quarter-ſeſſion ſhall award, for defraying the expences ſuſtained by the defendant or defendants in ſuch appeal, or in default of making ſuch payment, ſhall ſuffer the reſpective pains and penalties by this act inflicted upon perſons reſpectively, who ſhall neglect to pay the reſpective ſums or forfeitures by this act to be paid by perſons convicted by virtue of this act.

Public act.

This act is to continue and be in force for one year only from the firſt of June in the preſent year 1787; and ſhall be a public act; and be judicially taken notice of as ſuch by all judges, juſtices, and other perſons whatſoever.

28 G. 3. c. 50. Repeal of former clauſe.

By the act 27 G. 3. c. 37, it was enacted, *That in caſe any diſpute ſhould ariſe between any perſons pledging or redeeming, or offering to redeem, any goods, and the pawnbroker, reſpecting the re-delivery thereof, or the money to be paid to ſuch pawnbroker, every ſuch diſpute, in caſe the original ſum lent was under 40 ſhillings, ſhould be ſettled and determined by any juſtice of the peace acting for the reſpective county, riding, diviſion, city, town, liberty, or place, who was thereby authorized and required by examination on oath or affirmation, of the parties themſelves, and any other credible perſon, to hear and determine the ſame; which determination ſhould be final and binding unto and upon all perſons*

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But by this act, the ſaid clauſe, and every matter and thing therein contained, is declared to be repealed to all intents and purpoſes. 29 G. 3. c. 57.

By this act, the rates, or pledges for 1l. are 4d. per month, as before; and ſo on progreſſively and in proportion for any ſum not exceeding 40s. Rates as before.

And for every pledge upon which there ſhall have been lent any ſum exceeding 40s. and not exceeding 10l. at and after the rate of 3d. and no more, for the loan of every 20s. of ſuch money ſo lent, by the calendar month, including the current month; and ſo in proportion for every fractional ſum. Rates by this act.

Where any intermediate ſum lent upon any pawn or pledge ſhall exceed the ſum of 2s. 6d. and not exceed the ſum of 40s. the perſon lending the ſame ſhall and may take, by way of profit, as aforeſaid, at and after the rate of 4d. and no more, for the loan of 20s. by the calendar month, including the current month, as aforeſaid. Under 40s. what ſum.

In all other particulars, this act is the ſame with that of 27 G. 3. c. 37, that clauſe only excepted, which by 28 G. 3. c. 50, is repealed.

Perfumery.

FROM July 5, 1786, the following duties are to be paid on the ſeveral wares and other articles herein-after mentioned: 26 G. 3. c. 49.

Every packet, box, bottle, phial, or other incloſure, containing any powders, paſtes, balls, balſams, ointments, oils, waters, waſhes, tinctures, eſſences, liquors, or other preparation or compoſition whatſoever, commonly known by the name of ſweet ſcents, odours, or perfumes; or by the name of coſmetics, which ſhall be vended or expoſed to ſale in Great Britain, mixed or unmixed with other materials or ingredients, ſhall be charged with a ſtamp duty according to the rates herein-after expreſſed; and alſo upon every packet, box, bottle, phial, or other incloſure, containing any dentifrice, powders, tinctures, or other preparation or compoſition whatſoever for the teeth or gums; and upon every roll, cake, or piece, packet, box, pot, or other incloſure containing any pomatum, ointment, or other preparation or compoſition for the hair; and alſo upon every packet, or other incloſure, containing any hair powder, which ſhall be vended or expoſed to ſale in Great Britain, the price whereof ſhall exceed 2s. for the pound weight, ſhall be charged a ſtamp duty according to the rates herein-after expreſſed: Every packet, &c. ſtamped.

	Rate of duty.
For every packet, &c. of perfumes, under 8d. value, — —	1d.
For every packet between 8d. and 1s. value,	1½d.

For

For every packet between 1s. and 2s. 6d. value, 3d.
For every packet between 2s. 6d. and 5s. value, 6d.
For every packet of 5s. value, or upwards, 1s.

The ſaid ſeveral duties aforeſaid to be levied and paid upon ſuch and every packet, box, bottle, phial, or other incloſure, and upon each and every roll, cake, ball, or piece of ſuch wares, or other article or articles aforeſaid, which ſhall be vended or expoſed to ſale as aforeſaid, according to the reſpective prices or values above rated.

Hair powder. And alſo, for every packet of hair powder under 2s. per pound, ſhall be charged a ſtamp duty of 1d. for each pound.

26 *G.* 3. *c.* 49. Drugs and common ſoap exempt. Nothing contained in this act ſhall extend to drugs, &c. liable to the duties impoſed by 25 *G.* 3. *c.* 79, nor to common ſoap unmixed with perfumes.

Licence 1s. Perſons vending articles hereby taxed, are to pay 1s. annually for a licence. The ſeveral duties herein granted are to be under the management of the commiſſioners of ſtamps.—The commiſſioners of ſtamps, or perſons authorized by them, are to grant licences for a year, from the 5th of July, 1786, to be renewed annually ten days before they expire. Perſons ſelling articles liable to this duty, without a licence, forfeit 5l.

Penalty on unlicenſed venders.

Every perſon vending or expoſing to ſale any ſuch wares, or other article or articles as aforeſaid, and licenſed ſo to do by virtue of this act, ſhall, within the ſpace of twenty days after ſuch licence ſhall have been granted, cauſe the words *Licenſed to deal in Perfumery*, to be painted or written in large and legible characters, either over the door, or in ſome viſible place in the front of his or her houſe, ſhop, or warehouſe, at the reſpective places at which he or ſhe ſhall vend or expoſe to ſale any ſuch articles as aforeſaid; on pain, for neglect of ſo doing, of forfeiting 5l.

Inſcription.

Penalty, if falſe. Unlicenſed perſons fixing ſuch notice on their houſes, forfeit 20l.

Labels, where had. Venders are to ſend to the commiſſioners, or to the officers appointed for that purpoſe, for ſtamped labels to paſte on packets, &c. in ſuch manner as the commiſſioners ſhall direct.

Penalty on not uſing them. Perſons ſelling packets, &c. without a ſtamped wrapper, or with one of a wrong denomination, forfeit 5l. to be recovered and applied as herein-after is directed.

Wholeſale dealers in hair powder exempted. It ſhall be lawful for any perſon who is a maker of hair powder, having duly made a true entry at any office of exciſe in Great Britain, as required by the ſeveral ſtatutes in that caſe made and provided, to vend and ſell to any perſon dealing in hair powder, and licenſed in purſuance of this act, and for ſuch licenſed perſon to buy for ſale any hair powder, the price whereof ſhall not exceed the rate of two ſhillings for a pound weight, and packed in any caſks, cheſts, caſes, ba

or other packages, each package whereof ſhall contain 224 pounds of ſuch hair powder at the leaſt, without affixing, or being required to affix, to the ſame, any cover, wrapper, or label, marked or ſtamped according to the directions of the act. 26 G. 3. c. 49.

Every ſuch maker of hair powder, as aforeſaid, who ſhall vend or ſell the ſame without ſtamps, ſhall keep one or more book or books, wherein he ſhall fairly enter in writing a true account of all ſuch hair powder which ſhall be ſold by him without ſtamps, and the name of the perſon to whom the ſame was ſo ſold, and the particular days and times when the ſame was ſo ſold; which book and books any officer or officers appointed by the ſaid commiſſioners, or any three of them, for that purpoſe, may, at all ſeaſonable times, in the day-time, examine, and take any copy or copies of the ſame, or of ſuch parts thereof as he or they ſhall think proper, without moleſtation, under the pain and penalty that every perſon offending in any of the particulars above mentioned ſhall, for every ſuch offence, forfeit 20l. to be recovered and applied as herein-after is directed. Account of ſale.

Perſons ſelling wares, &c. ſubject to the aforeſaid duties, with the ſame label a ſecond time, ſhall forfeit 10l. Penalty on uſing twice the ſame label.

Alſo perſons ſelling or buying labels to be uſed a ſecond time, or buying or ſelling packets with ſuch labels, forfeit 10l. Fraudulent purchaſe or ſale of labels.

Five pounds per cent. diſcount is to be allowed, by the commiſſioners, for prompt payment of the aforeſaid duties. Allowance for prompt payment.

Every perſon who ſhall vend or expoſe to ſale any ſuch wares, or other articles as aforeſaid, liable to the duties by this act impoſed, before he ſhall obtain a licence to vend or expoſe to ſale the ſame in purſuance of this act, ſhall give notice in writing of the uſual ſhop, houſe, or place, where he ſhall vend or expoſe to ſale the ſame, or intends ſo to do; which notice ſhall be given or ſent to the commiſſioners of ſtamps, or to their officers next adjacent to the place where ſuch wares or other articles are vended or expoſed to ſale, or intended ſo to be; and the like notice ſhall be given or ſent by every ſuch perſon, as often as he ſhall change the places where ſuch goods and other articles are by him ſold, or intended to be ſold; which notice ſhall contain the particular ſhop, &c. and the particular room or apartment of the ſhop, &c. wherein the ſame are ſo vended or expoſed to ſale, or intended ſo to be, upon pain that every perſon making default in giving notice as aforeſaid, ſhall forfeit and pay 5l. to be recovered and applied as herein-after is directed; and all ſuch wares, &c. ſubject to the duties hereby impoſed, which ſhall be kept ready for ſale, or offered to ſale, in any ſhop, &c. whereof notice ſhall have been given or ſent as aforeſaid (except ſuch wares, and other articles aforeſaid, which are particularly ſpecified in a certain ſchedule to this act annexed; and which are hereby allowed to be kept for Previous notice of place of ſale.

26 G. 3. c. 49.

ſale, and expoſed to ſale, in any ſuch ſhop, &c. in bulk o otherwiſe, without any ſtamped cover, wrapper, or label af fixed thereto, until the time of actual ſale thereof), ſhall b deemed to require a cover, wrapper, or label, marked an ſtamped as by this act is required, to be previouſly affixe thereon, in manner to be directed by the ſaid commiſſioners a aforeſaid; and it ſhall be lawful for any officer or officers being thereunto authorized by the ſaid commiſſioners, to ente in the day time into any ſuch ſhop, &c. or any room or apart ment whereof ſuch notice ſhall have been given as aforeſaid

Officer may enter to examine.

and there to ſearch and examine whether the ſaid ſeveral ware and other articles aforeſaid, ſo kept ready for ſale, or offere to ſale, in ſuch ſhop, &c. have reſpectively a cover, wrappe or label duly affixed thereto, or to the incloſures containing th ſame, according to the directions of this act; and if ſuc wares, &c. (except as herein excepted) ſhall be expoſed to ſale or kept ready for ſale, in any ſhop, &c. without any cover wrapper, or label affixed thereto, or with a cover, wrapper, o label of leſs value than by this act is directed, or with a cover wrapper, or label affixed thereto inſufficiently, and contrary t the directions of the ſaid commiſſioners, it ſhall be lawful fo ſuch officer and officers reſpectively, to affix, or cauſe to be a fixed, to the ſaid wares, &c. ſo expoſed to ſale, or kept read for ſale, or to the reſpective incloſures thereof, a cover, wrap per, or label marked and ſtamped as aforeſaid (to be ſupplie by the ſaid officer or officers, if occaſion ſhall require), in ſuc manner as the ſaid commiſſioners ſhall from time to time di rect; and if the owner or vender thereof, or the perſon havin

May demand what is due.

the care thereof, ſhall not upon demand pay and diſcharge t the ſaid officer and officers all ſuch ſums of money as ſhall hav become due and payable by him, in reſpect of the ſtamps upo the ſaid covers, wrappers, or labels ſo ſupplied as afore ſaid, every ſuch perſon ſhall, for every ſuch offence, forfeit an pay 5l. over and above the ſaid duties, to be recovered and ap plied as herein-after is directed.

May not be obſtructed.

Perſons obſtructing officers in the execution of their dut forfeit 20l.

Damaged labels made good.

In caſe any covers, wrappers, or labels, ſhall be damaged affixing the ſame, upon ſuch wares, &c. or otherwiſe, ſo as be rendered unfit for uſe, it ſhall be lawful for any perſon l cenſed in purſuance of this act, to bring ſuch covers, wrapper or labels, ſo marked and ſtamped as aforeſaid, together wit the wares or other articles to which the ſame ſhall have bee affixed, to the commiſſioners for managing the ſtamp dutie or to the head officer appointed by them, and on oath (or ſ lemn affirmation, in caſe ſuch licenſed perſon ſhall be quaker), thereof made by ſuch licenſed perſon, to the ſati faction of the ſaid commiſſioners or head officer ſo appointe (who are hereby authorized to adminiſter ſuch oath or ſolem affirmation, and to examine into all circumſtances relating

the damaging the ſame), that ſuch covers, wrappers, or labels, ſo defaced or rendered unfit for the purpoſe intended, have not been uſed for any other purpoſe; and that none of them have been fraudulently rebought after the ſame have been ſold; and that no money or other conſideration hath been paid or given for the ſame, except the money firſt paid for ſuch covers, wrappers, or labels; then, and in ſuch caſe, the ſaid commiſſioners are hereby required, after deſtroying ſuch defaced covers, wrappers, or labels, to deliver to ſuch licenſed perſon other covers, wrappers, or labels, of the ſame denomination or value, without demanding or taking, for the ſame, any ſum of money or other conſideration whatſoever. 26 G. 3. c. 49.

Perſons ſelling articles ſubject to the duties herein mentioned, in any place not ſpecified by notice, forfeit 5l. Penalty on not ſpecifying place.

Nothing in this act contained ſhall extend to the ſale of any wares or other articles, by any licenſed perſon as aforeſaid, to any perſon in Great Britain for the purpoſes of exportation, where ſuch wares and other articles ſo ſold ſhall be, *bona fide* and without fraud, exported to foreign parts; and in every ſuch caſe, the perſon or perſons ſelling the ſame for exportation ſhall, within three days after the ſale thereof, give notice in writing to the ſaid commiſſioners, or at the office of the diſtributors of ſtamps next adjacent to the place where he or they ſhall reſpectively reſide, of all ſuch wares or other articles aforeſaid, which ſhall be ſo ſold for exportation; which notice ſhall contain the quantities and denominations of all ſuch wares or other articles aforeſaid, and the name and names of the perſon or perſons to whom the ſame are ſo ſold, and the port from which the ſame are to be exported; and all ſuch notices ſhall be filed by the ſaid commiſſioners, or their officers, to whom the ſame are given and ſent as aforeſaid; and a certificate thereof, containing the like quantities and denominations of the wares or other articles, and alſo the names, perſons, and places expreſſed in ſuch notices reſpectively, ſhall, if required, be made out under the hands of the ſaid commiſſioners, or their officers aforeſaid, and delivered gratis to the perſon or perſons by whom ſuch notices reſpectively were given or ſent; and in all proſecutions of offenders for ſelling or buying any ſuch articles contrary to the proviſions of this act, every ſuch certificate ſhall be legal evidence of notice, and of the quantities and denominations of the wares and other articles aforeſaid expreſſed or contained therein. Exported goods not liable. Notice to commiſſioners.

Perſons convicted of offences againſt this act, forfeit their licences; and for a renewal of ſuch licence, after the firſt offence, ſhall give a bond for the penal ſum of 100l.—and for a renewal of ſuch licence after a ſecond offence, the bond ſhall be for double the ſum ſpecified in the preceding bond. Licence forfeited. Bond, if renewed.

The aforeſaid duties are to extend to all articles included in the ſchedule annexed.

26 G. 3. c. 49. Forged ſtamps.

Perſons counterfeiting ſtamps, or uſing ſtamps knowing them to be counterfeited, are guilty of felony.

Former powers relative to ſtamp duties, are to extend to this act.

Penalties. How ſued for.

All pecuniary penalties impoſed on any perſon or perſons for offences committed againſt this act, ſhall be ſued for and recovered, with full coſts of ſuit, in any of his majeſty's courts at Weſtminſter, for offences committed in that part of Great Britain called England, the dominion of Wales, or the town of Berwick upon Tweed; and in his majeſty's court of ſeſſions, court of juſticiary, or court of exchequer in Scotland, for offences committed in that part of Great Britain called Scotland, by action of debt, bill, plaint, or information.

Time limited to ſix months.

No informer ſhall be intitled, to his ſhare of penalties, who does not proſecute within the time limited.

One juſtice

It ſhall be lawful for any juſtice of the peace reſiding near the place where the offence ſhall be committed, to hear and determine any offence againſt this act which ſubjects the offender to any pecuniary penalty; which ſaid juſtice of the peace is hereby authorized and required, upon any ſuch information exhibited at any time within ſix calendar months after ſuch offence ſhall have been committed, to ſummon the party accuſed, and alſo the witneſſes on either ſide, and to examine into the matter of fact, and upon due proof thereof either by the oath of the party, or by the oath of one or more credible witneſs or witneſſes (which oath he is hereby impowered to adminiſter), to give judgment for the penalty or forfeiture, according as in and by this act is directed; which penalties ſhall be divided and diſtributed, one moiety to the informer who ſhall proſecute for the ſame, and the other moiety (the neceſſary charges for the recovery thereof being firſt deducted) to his majeſty; and to iſſue out his warrant under his hand and ſeal, for the levying any ſuch pecuniary penalties or forfeitures ſo adjudged on the goods of the offender and to cauſe ſale to be made thereof in caſe they ſhall not be redeemed within three days, rendering to the party the overplus, if any; and where ſufficient goods cannot be found to anſwer the penalty, to commit ſuch offender to priſon, there to remain for three months, unleſs ſuch penalty ſhall be ſooner paid; and if any perſon ſhall find himſelf aggrieved by the judgment of ſuch juſtice, then he may, upon giving ſecurity to the value of ſuch penalty, together with ſuch coſts as ſhall be awarded, in caſe ſuch judgment ſhall be affirmed, appeal to the juſtices at the next general quarter-ſeſſions for the county or place wherein the offence was committed, who are hereby impowered to ſummon and examine witneſſes upon oath, and finally to determine the ſame; and in caſe the judgment ſhall be affirmed, it ſhall be lawful for ſuch juſtices to award the perſon to pay ſuch coſts, occaſioned by ſuch appeal, as to them ſhall ſeem meet.

to give judgment.

Penalties, how applied.

Witneſſes

Witneſſes neglecting to attend, forfeit 40 ſhillings. 26 G. 3. c. 49.

For the form of conviction, ſee the end of this work.

It ſhall be lawful for the ſaid juſtice, where he ſhall ſee cauſe, to mitigate and leſſen any ſuch penalties, ſo as ſuch mitigation do not reduce the penalties to leſs than one moiety of the penalties incurred over and above the coſts and charges; and no ſuch conviction ſhall be removed by *certiorari* into any court whatſoever. Penalties mitigated. Not removable.

The ſeveral duties herein-before granted, ſhall be paid into the hands of the receiver-general of the duties on ſtamped vellum, parchment, and paper; who ſhall keep a ſeparate account of the ſeveral rates and duties, and pay the ſame (the neceſſary charges of raiſing, paying, and accounting for the ſame, being deducted) into the exchequer, at ſuch time and in ſuch manner as the duties now charged on ſtamped vellum, &c. are directed to be paid; and the ſaid money, ſo paid into the exchequer, ſhall be carried to and made part of the fund commonly called the ſinking fund, and ſhall be applicable to the ſame uſes and purpoſes as the ſaid ſinking fund is, or by law may be applicable unto. Duties, to whom paid.

His majeſty's ſhares of penalties are to be paid to the ſaid receiver, and paid by him into the exchequer annually on Auguſt 13. His majeſty's ſhares of penalties to the ſame.

If any perſon ſhall, at any time, be ſued or proſecuted for any thing by him done or executed in purſuance of this act, ſuch perſon may plead the general iſſue, and give the ſpecial matter in evidence for his defence; and if, upon the trial, a verdict ſhall paſs for the defendant, or the plaintiff become non-ſuited, then ſuch defendant ſhall have treble coſts awarded to him againſt ſuch plaintiff. General iſſue.

SCHEDULE FIRST,

To which this act refers.

Containing the names of ſuch articles as are ſubject to the duties by this act impoſed.

Almonds - -	Powder of
	Paſte
	Soap
	Waſh Balls
Amber, - -	Eſſence of
	Soap
	Waſh Balls
Balſam - -	for the Hair
Bears - - -	Greaſe
	Bergamotte,

Bergamotte, - -	ſo called
	Eſſence of
	Pomatums
	Waſh Balls
	Water
Bouquet, - -	ſo called
	Eſſence of
	Powder
	Water
	Pomatums
Camphire - -	Waſh Balls
Cedar, - -	Eſſence of
Citron, - -	Eſſence of
Civet, - -	ſo called
	Eſſence of
	Powder
Cypreſs, - -	ſo called
	Eſſence of
	Water
	Sweet Cypreſs Powder
	Cyprian Odoriferous Powder
Cithere, - -	Water
Cream, - -	Cold, for the Face
	Beautifying, for ditto
	White Cream Waſh Balls
	Marble ditto
Dentifrice - -	ſo called
	Spence's ditto
	Ruſpini's ditto
	Pearl ditto
	Myrrh ditto
	Vegetable ditto
Dew, - - -	Olympian
	Naples
Filberts, - -	Oil of
Flowers, - -	Eſſence of
Hair Powder, -	ſo called
Honey - -	Water
Honeyſuckles, -	Eſſence of
	Pomatums
Hyacinth, - -	Eſſence of
Jeſſamine, - -	Eſſence of
	Milk of
	Oil of
	Powder of
	Pomatums
	Syrup of
	Water
Jonquil, - -	Eſſence of

Jonquil, - - Water of
Pomatums
Lavender, - - Diſtilled Water
Ditto from the Flowers
Eſſence of
Volatile ditto
Powder of
Pomatums
Waſh Balls
Lemon, - - Eſſence of
Lillies, - - Carnation of
Milk of
Powder of
Waſh Balls
Lime, - - Eſſence of
Marechalle, - ſo called
Powder of
Ducheſſe
French
Pomatums
Water
Mignionette, - Eſſence of
Millefleurs, - Eſſence of
Powder of
Pomatums
Water
Muſk, - - - Eſſence of
Powder of
Myrrh, - - Eſſence of
Myrtle, - - Eſſence of
Oeillett, - - ſo called
Eſſence of
Pomatums
Powder
Orange, - - Eſſence of
Powder of
Butter
Pomatum
Orange Flower, - Eſſence of
Powder of
Pomatum
Paints, - - Rouge
Blanche
Vegetable Rouge
Serviette Rouge
Peach Kernels, - Powder of
Royal Tincture of
Peach Bloſſoms, - Powder of
Pearl, - - - Eſſence of

Pearl,

Pearl, - - -	Powder of
	Powder of Pearl of India
	Water
Paſte, - - -	Chineſe
	Spermaceti
Pomatums, - -	Ducheſſe
	French
	Flora
	Italian
	Common, hard and ſoft
	Scented
	Pomade de Nerole
	Pomade de Graſſe
	Royal Pomatum for the Face
	Sweet Storax Pomatum
Powders, - -	A la Reine
	Aromatic
	Artois
	Bloom
	Devonſhire
	Black
	Brown
	Grey
	*Orris
	Orleans
	Pink
	Red
	Yellow
	Scented
	for the Face
	Chineſe Face Powder
	Royal Powder
	Sangwine's powder for the teeth
	Shaving Powder
Pulville, - -	ſo-called
Rhodium, - -	ſo called
	Eſſence of
Roſes, - - -	Eſſence of
	Cream of
	Vegetable Cream of
	Milk of
	Odour of
	Liquid Bloom of
	Powder of
	Pomatums

* N. B. Several attempts have been made to levy the penalties of this a on druggiſts, ſelling this article *per ſe*, without a ſtamp; but they have not ſu ceeded; nor indeed is it reaſonable that they ſhould; as it evidently appear that, having been already ſubject to taxation as a drug, it cannot again be ta able, till it is mixed with hair powder.

Savon

Savon, - - - -	Royal
Savonette, - - -	de Graſſe
Soap, - - -	Alicant
	Bath
	Cake
	Improved
	Jeruſalem
	Joppa
	Italian
	Naples
	Perfumed
	Venice
Sweet Briar, - -	Eſſence of
	Powder of
Tinctures, - -	for the Teeth
	Greenough's ditto
	Ruſpini's ditto
Thyme, - -	Eſſence of
Tuberoſe, - -	Eſſence of
	Pomatum
	Water
Violet, - - -	Eſſence of
	Powder of
	Fargeon's Powder of
	Pomatums
	Water
Waſh Balls, - -	Circaſſian
	Chemical
	Italian
	Marble
	Queen's Marble
	Royal Cyprian
Waſhes, - -	Venetian Bloom
	Turkiſh
Waters, - - -	Perfumed
	Carmes
	Cologne
	Italian Hair Water
	Miſs in her Teens
	Suave
	Sans Pareille
	Vento's Italian Water
Wool, - - -	China
	India
	Spaniſh

SCHEDULE SECOND,

To which this act refers.

Containing the names of ſuch articles, liable to the duties by this act impoſed, which are allowed to be kept for ſale in bulk, or otherwiſe, without any ſtamped cover, wrapper, or label, affixed thereto, until the time of actual ſale thereof.

Almond Paſte
Almond Powder
Bears Greaſe
Cold Cream
Italian ſquare hard Soap
Naples ſoft Soap
Perfumed and coloured Hair Powder, above the price of 2s. per pound weight
Rouge in Pots
Waſh-balls of all ſorts.

Perjury and Subornation.

1 *Haw.* 172. 3 *Inſt.* 164. Perjury defined.

PERJURY, by the common law, ſeemeth to be a wilful falſe oath, by one, who, being lawfully required to depoſe the truth in any judicial proceeding, ſwears abſolutely, in a matter material to the point in queſtion, whether he be believed or not.

1 *Haw.* 177. Subornation explained.

Subornation of perjury, by the common law, ſeems to be an offence, in procuring a man to take a falſe oath, amounting to perjury, who actually taketh ſuch oath.

5 *El. c.* 9. Penalty for ſubornation.

As to ſubornation of perjury, by the ſtatute, every perſon who ſhall unlawfully and corruptly procure any witneſs to commit any wilful and corrupt perjury, in any matter or cauſe depending in ſuit and variance, in chancery, or in any court of record; or ſhall unlawfully and corruptly procure or ſuborn any witneſs, which ſhall be ſworn to teſtify *in perpetuam rei memoriam*, ſhall forfeit 40l. half to the king, and half to the party grieved, who ſhall ſue for the ſame. And if he has not lands or goods worth 40l. he ſhall be impriſoned half a year, and ſtand on the pillory one whole hour in ſome market town next adjoining to the place where the offence was committed, in open market there, or in the market-town itſelf where the offence was committed. And he ſhall be diſabled to be a witneſs in any court of record.

5 *El. c.* 9. Puniſhment of perjury.

And as to perjury, if any perſon, either by ſubornation or otherwiſe, ſhall wilfully and corruptly commit any wilful perjury, by his depoſition in any of the courts before-mentioned, or

or being examined *ad perpetuam rei memoriam*, he ſhall forfeit 20l. in like manner, and be impriſoned ſix months; and if he has not goods worth 20l. he ſhall be ſet on the pillory in ſome market-place within the ſhire, city, or borough, where the offence was committed, by the ſheriff or head officer reſpectively, and have both his ears nailed. And he ſhall be for ever diſabled to be a witneſs in any court of record.

5 El. c. 9. Where to be tried.

And the judge of the court where the perjury ſhall be, and the judges of aſſize, and juſtices of the peace in ſeſſions, may enquire, hear, and determine thereof, by inquiſition, preſentment, bill, or information, or otherwiſe.

2 G. 2. c. 25. Further puniſhment of this crime.

Perſons convicted of wilful and corrupt perjury, or ſubornation of perjury, beſides the puniſhment inflicted by other laws for ſo great crimes, ſhall be ſent to ſome houſe of correction within the ſame county, for a time not exceeding ſeven years, there to be kept to hard labour during all the ſaid time, or otherwiſe to be tranſported beyond the ſeas, for ſeven years, as the court ſhall think moſt proper: And the perſon convicted ſhall be committed or tranſported, over and beſide ſuch puniſhment as ſhall be adjudged, agreeable to the laws now in being; and if he return before the expiration of the ſeven years, he ſhall ſuffer death as a felon.

Petition.

13 C. 2. c. 5. Cautions about obtaining ſignatures to petition.

NO perſon ſhall ſolicit above 20 hands to any petition to the king, or either houſe of parliament, for alteration of matters eſtabliſhed by law in church or ſtate, unleſs the matter thereof hath been conſented to by three or more juſtices of the county, or by the major part of the grand jury at the aſſizes or ſeſſions; or if ariſing in London, by the lord mayor, aldermen, and common council; nor ſhall preſent any ſuch petition accompanied by more than ten perſons, on pain of a ſum not exceeding 100l. and three months impriſonment, on conviction at the aſſizes or ſeſſions in ſix months, and proved by two witneſſes.

about preſenting it.

Pewter and other Metals.

19 H. 7. c. 6. Searchers appointed for unlawful pewter.

THE maſter and wardens of the craft of pewterers, and where there are none ſuch, the head and governors of the city or borough, may appoint ſearchers; and the juſtices at Michaelmas ſeſſions ſhall appoint two perſons, having experience therein, to ſearch within the county; and of all unlawful pewter or braſs which they ſhall find, half ſhall be to the king, and half to the ſearchers.

Id. Sold.

No perſon uſing the crafts of pewterer and brazier, ſhall ſell or change any pewter or braſs, at any place, but only in

open fair or market, or in his own dwelling-houſe, except he be deſired by the buyer of ſuch ware; on pain of 10l. half to the king, and half to him who ſhall ſeize or ſue.

21 *G.* 3. *c.* 69. Receiving ſtolen pewter, &c.

Every perſon who ſhall buy or receive any pewter pot, or other pewter, knowing the ſame to be ſtolen, &c. ſhall, on conviction, although the principal felon has not been convicted of ſtealing the ſame, be tranſported as a felon for ſeven years, or be detained in priſon, and therein kept to hard labour for any time not exceeding three years, nor leſs than one year; and within that time (if ſuch court ſhall think fitting), ſuch offender or offenders ſhall be once, or oftener, but not more than three times, publicly whipped.

Pillory and Tumbrel.

3 *Inſt.* 219. Caution as to this puniſhment.

SEEING the judgment to the pillory or tumbrel doth make the delinquent infamous, the juſtices of the peace ſhould be well adviſed before they give judgment of any perſon to this puniſhment, unleſs they have good warrant for that judgment therein. Fine and impriſonment, for offences fineable by them, is a fair and ſure way.

Plague.

9 *An. c.* 2. Juſtice's duty herein.

WHEN quarantine ſhall be appointed, the juſtices of the counties adjoining, or one of them, ſhall forthwith cauſe watches to be kept by day and night, in the moſt proper and convenient places, within the ſeveral adjacent pariſhes; who ſhall not permit any perſon whatſoever to come on ſhore from, or go on board any ſhips under quarantine, except only ſuch as ſhall have the charge of ſeeing the quarantine duly performed, or ſuch as ſhall be licenſed by ſuch perſon having charge of the quarantine.

26 *G.* 2. *c.* 6. Watchmen's neglect.

And if any ſuperintendant of the quarantine, or watchman, ſhall neglect his duty, he ſhall be guilty of felony without benefit of clergy.

9 *An. c.* 2. Perſons coming on ſhore.

If any perſon ſhall come on ſhore, or go aboard any other ſhip, the perſons appointed for ſeeing quarantine duly performed, may compel him to return and continue during the quarantine: And ſuch perſon ſo leaving ſuch ſhip, and being thereof (after expiration of the quarantine) convicted by oath of one witneſs, before one juſtice near, ſhall forfeit not exceeding 20l. to be paid immediately to ſuch juſtice, who may reward the informer thereout not exceeding a third part, and pay the remainder (charges deducted) to the poor of the pariſh where the conviction ſhall be; and in default of payment, he may

may commit him to the houſe of correction, to be kept to hard labour not exceeding one month.

When any part of Great Britain, Ireland, Guernſey, Jerſey, Alderney, Sark, or Man, France, Spain, Portugal, or the Low Countries, ſhall be infected, the king, by proclamation, may prohibit all ſmall boats and veſſels under the burden of 20 tons, from ſailing out of port, till ſecurity be firſt given by the maſter, to the ſatisfaction of the principal officer of the cuſtoms, or chief magiſtrate of the port, by bond to the king with ſureties, in the penalty of 300l. that he ſhall not go to or touch at any place mentioned in the proclamation; and that the maſter and every mariner and paſſenger ſhall, during the time aforeſaid, not go on board any other veſſel at ſea; and that he ſhall not permit any perſon to come on board ſuch boat or veſſel at ſea; and ſhall not receive any goods out of any other veſſel; for which bond, no fee ſhall be taken. And if ſuch boat or veſſel ſhall ſail before ſuch ſecurity given, the ſame, together with the tackle and furniture, ſhall be forfeited to the king; and the maſter and every mariner therein, being thereof convicted, on his appearance or default, on oath of one witneſs, by one juſtice where the offender ſhall be found, ſhall forfeit 20l. half to the informer, and half to the poor of the pariſh where the offender ſhall be found, by diſtreſs; and for want of ſufficient diſtreſs, ſhall be committed to priſon for three months.

9 *An.* c. 2. Temporary prohibitions till ſecurity given.

Not to touch at any infected place.

Not to go on board, or receive goods.

Penalty for neglect.

Whenever the king, with the advice and conſent of parliament, ſhall direct lazarets to be provided, for receiving of perſons obliged to perform quarantine, or for airing of goods, it ſhall be lawful to erect the ſame, either in any waſte grounds or commons, or where there are not ſufficient, in the ſeveral grounds of any perſon whatſoever, not being a houſe, park, garden, orchard, yard, or planted walk, or avenue to a houſe, paying for the ſame as ſhall be agreed on between the perſons intereſted, and any two perſons appointed by the king under his ſign manual; and if they cannot agree, then the ſaid two perſons ſhall, 30 days before the ſeſſions, give to the occupier a notice in writing, deſcribing the quantity of ground, and purporting that the conſideration for the ſame will be ſettled by a jury at ſuch ſeſſions. And the juſtices there, on proof of ſuch notice, ſhall charge the jury which ſhall attend there (or ſome other jury to be then and there impanelled and returned by the ſheriff without fee), and cauſe them to be ſworn, well and truly to aſſeſs the value of ſuch grounds, to whom the parties may have their challenges; and the verdict of the ſaid jury, and the judgment of the juſtices thereupon, ſhall be concluſive, and finally bind all parties; and thereupon the king ſhall hold ſuch grounds for ſuch term as he ſhall judge neceſſary, paying for the ſame ſuch rent or other conſideration as ſhall be ſo aſſeſſed.

26 *G.* 2. c. 6. Lazarets provided.

Jury to value lands.

The

12 G. 3. c. 57. Lords of the treasury may contract.

The lords of the treasury may contract for an absolute purchase of such land, messuages, and tenements, to be vested in the crown unalienably: And if the parties cannot agree, the price shall be settled at the sessions as aforesaid, on giving like notice to the owner.

1 J. c. 31. Rate on inhabitants for relieving the infected,

The mayor, head officers, and justices of the peace of every city, borough, town-corporate, and places privileged, or any two of them, may assess every inhabitant, and all houses of habitation, lands, tenements, and hereditaments, for the reasonable relief of persons infected with the plague, or inhabiting in infected houses, and levy the same by warrant; and if the party assessed shall refuse to contribute, and the parties to whom the warrant is directed shall not find any goods to levy the same, then upon return thereof, they shall, by warrant, cause the person to be arrested, and committed to gaol till he shall pay.

1 J. c. 31.

If the inhabitants of such place shall find themselves unable to relieve all such persons, or if the infection shall be in a town where there are no justices, or in a village or hamlet then two justices of the county may assess the inhabitants of the county, within five miles of the place infected, at such weekly sums as they shall think fit, for the reasonable relief of persons infected; to be levied by their warrant, by sale of goods, and in default thereof, by imprisonment as aforesaid.

or within five miles.

26 G. 2. c. 6. Certificate of health.

After quarantine performed, and on proof thereof by the oaths of the master and two other persons of the ship, or by the oaths of two credible witnesses before the customer, comptroller, or collector of that or the next port, or their deputies, or a justice near, and that the vessel and every such person are free from infection; and after producing a certificate thereof signed by the chief officer who superintended the quarantine; such officer of the customs, together with the said justice, shall give a certificate thereof (gratis), and thereupon the vessel and every such person shall be liable to no farther restraint.

Id. Goods opened and aired.

All goods liable to quarantine shall be opened and aired, as by such orders shall be directed; and after such order hath been complied with, and a certificate thereof given by the chief officer appointed to superintend the quarantine and airing of such goods, and proof made thereof by the oaths of two witnesses before the customer, comptroller, or collector of the next port, or any of their deputies, or any justice living near; or certificate and return of such proof by such custom-house officer to the commissioners of the customs, they, or two of them by their order, shall discharge the same.

Id. No fee taken.

And if any person shall take any fee for such oath, order or certificate, he shall forfeit 100l. half to the king, and half to him that shall sue.

26 G. 2. c. 6. False certificate felony.

And if any superintendant of the quarantine, or watchman shall in such case give a false certificate; he shall be guilty of felony without benefit of clergy.

Players

EVERY perſon who ſhall for hire, gain, or reward, act, or cauſe to be acted, any play or other entertainment of the ſtage, or any part therein, if he ſhall have no legal ſettlement where he acts, without authority from the king or the lord chamberlain, ſhall be deemed a rogue and vagabond within the 12 *An.* (which act is repealed; but the ſame is re-enacted by the 17 *G.* 2. *c.* 5.) or otherwiſe he ſhall forfeit 50l. in which caſe he ſhall not alſo ſuffer as a vagrant. 10 *G.* 2. *c.* 28. Reſtriction on players.

The penalties may be recovered in the courts at Weſtminſter, or before two juſtices, by the oath of one witneſs, or confeſſion, to be levied by diſtreſs; and, for want of ſufficient diſtreſs, the offender to be committed to the houſe of correction not exceeding ſix months, to be kept to hard labour; or to the common gaol, not exceeding ſix months, without bail or mainprize: Perſons aggrieved by order of the juſtices, may appeal to the next ſeſſions; The ſaid penalties to be diſtributed, half to the informer, and half to the poor. *Id.* Penalties, how recovered and applied.

But, by ſpecial acts of parliament, playhouſes are permitted to be erected in particular places.—See Art. Theatres Licenſed. Special acts for them.

Any houſe, room, garden, or other place kept for public dancing, muſic, or other entertainment of the like kind, in London, or within 20 miles thereof, without licence (except the theatres of Drury-lane, Covent-garden, the Hay-market, and other entertainments exerciſed by letters patent or licence of the crown, or of the lord chamberlain), ſhall be deemed a diſorderly houſe or place, and the keeper thereof ſhall forfeit 100l. See GAMING. 25 *G.* 2. *c.* 36. Unlicenſed rooms, &c. diſorderly.

Police Bill.—See Juſtices in Weſtminſter, &c.

Polygamy.

IF any perſon within his majeſty's dominions of England and Wales, being married, ſhall marry any perſon, the former huſband or wife being alive; ſuch offence ſhall be felony (but within clergy), and the perſon and perſons ſo offending ſhall ſuffer death, as in caſes of felony. 1 *J.* *c.* 11. Felony.

This act ſhall not extend to any perſon, whoſe huſband or wife ſhall be continually remaining beyond the ſeas, by the ſpace of ſeven years together. *Id.* A caſe of exemption.

Nor to any perſon whoſe huſband or wife ſhall abſent him or herſelf, the one from the other, by the ſpace of ſeven years together, in any part of his majeſty's dominions, the one of them not knowing the other to be living within that time. *Id.* Another.

Nor to any perſon who ſhall be, at the time of ſuch marriage, divorced by ſentence in the eccleſiaſtical court. 1 *J.* *c.* 11. Nor in caſe of divorce.

On

1 *H. H.* 692. Who to be witneſs.

On a proſecution upon this ſtatute, the firſt and true wife is not to be allowed as a witneſs againſt the huſband; but it ſeems clear that the ſecond wife may be admitted to prove the ſecond marriage, for ſhe is not his wife ſo much as *de facto*.

Poor.

17 *G.* 2. *c.* 38. Poor aggrieved may appeal.

IF any perſon ſhall be aggrieved by any thing done or omitted by the churchwardens and overſeers, or by any of his majeſty's juſtices of the peace, he may, giving reaſonable notice to the churchwardens or overſeers, appeal to the next general or quarter-ſeſſions, where the ſame ſhall be heard, and finally determined; but if reaſonable notice be not given, then they ſhall adjourn the appeal to the next quarter-ſeſſions; and the court may award reaſonable coſts to either party, as they may do by 8 & 9 *W.* in caſe of appeals concerning ſettlements.

Appointment of Overſeers,* with their Duty thereupon.

43 *El. c.* 2. Time of chuſing.

THE churchwardens of every pariſh, and four, three, or two ſubſtantial houſholders there, as ſhall be thought meet having reſpect to the greatneſs of the pariſh, to be nominated yearly in Eaſter week, or within one month after Eaſter, under the hand and ſeal of two or more juſtices of the peace in the ſame county (1 *Q.*) dwelling in or near the pariſh or diviſion, ſhall be called overſeers of the poor of the ſame pariſh.

Id. Office vacant, how filled.

If any overſeer ſhall die, or remove, or become inſolvent before the expiration of his office, two juſtices (on oath thereof made) may appoint another in his ſtead.

Id. Penalty on non-appointment.

And if in any place there ſhall be no ſuch nomination of overſeers as is before appointed, every juſtice of the diviſion ſhall forfeit 5*l.* to the poor of ſuch place, to be levied by the church-wardens and overſeers, or one of them, by diſtreſs, by warrant from the ſeſſions.

Str. 1004. Extra parochial place.

An extra-parochial place, not having the reputation of a ville, is not liable to maintain its own poor.

Str. 1261. Overſeers, how deſcribed.

Overſeers muſt be deſcribed, in purſuance of the words of the ſtatute, as *ſubſtantial houſholders* in the ſaid pariſh.

17 *G.* 2. *c.* 38. To receive books, &c.

The overſeers thus appointed, and taking upon them the office, ſhall, within fourteen days, receive the books of aſſeſſments and of accounts, from their predeceſſors, and what

* See a tract, entitled "The Duty of Overſeers of the Poor, &c." price 1*s*. Printed for Faulder and Robinſons, London, 1792.

money

money and materials ſhall be in their hands, and reimburſe them their arrears.

43 *El. c.* 2. To ſet children to work,

And they ſhall take order from time to time, with the conſent of two ſuch juſtices as aforeſaid, for ſetting to work the children of all ſuch whoſe parents ſhall not, by the ſaid churchwardens and overſeers, or the greater part of them, be thought able to keep and maintain them; and alſo for ſetting to work all ſuch perſons, married or unmarried, having no means to maintain them, and uſing no ordinary and daily trade. Which ſaid churchwardens and overſeers, or ſuch of them as ſhall not be let by ſickneſs or other juſt excuſe, to be allowed by two ſuch juſtices, ſhall meet at leaſt once a month, in the church, on Sunday in the afternoon, after divine ſervice, there to conſider of ſome good courſe to be taken, and order to be ſet down in the premiſes; upon pain that every one of them abſenting themſelves without lawful cauſe, from ſuch monthly meeting, or being negligent in their office, ſhall forfeit, for every default, 20s. to the poor; to be levied by ſome or one of the churchwardens and overſeers, by warrant from two ſuch juſtices, by diſtreſs; or in defect thereof, any two ſuch juſtices may commit the offender to the common gaol, there to remain without bail or mainprize, till the ſaid forfeiture ſhall be paid. Provided that if any perſon ſhall be aggrieved by any act done by the ſaid churchwardens and other perſons, he may appeal to the general quarter-ſeſſions, whoſe order therein ſhall bind all parties.

and ſuch as have no means of maintaining themſelves.

To meet once a month.

Penalty for not meeting.

Of Perſons having no Settlement.

WITHIN 40 days after any poor perſons ſhall come to ſettle in any tenement under 10l. a year, two juſtices (1. *Q.*) may remove them to the place where they were laſt legally ſettled; unleſs they give ſufficient ſecurity for diſcharge of the pariſh, to be allowed by the ſaid juſtices.

13 & 14 *C.* 2. *c.* 12. Removable within forty days.

If any perſon, who ſhall come into any pariſh or place there to reſide, ſhall at the ſame time procure, bring, and deliver to the churchwardens or overſeers of the pariſh or place, or to any of them, a certificate, under the hands and ſeals of the churchwardens and overſeers of any other pariſh, or the major part of them, or of the overſeers where there are no churchwardens; to be atteſted by two or more credible witneſſes; thereby owning and acknowledging the perſon mentioned in the ſaid certificate to be an inhabitant legally ſettled in that pariſh, townſhip, or place; every ſuch certificate, having been allowed of and ſubſcribed by two juſtices of the place, ſhall oblige the ſaid pariſh or place, from which the certificate ſhall come, to receive and provide for the perſon mentioned in the ſaid certificate, together with his family, as inhabitants of that pariſh,

8 & 9 *W. c.* 30. Certificate to be admitted.

8 & 9 W. c. 30. Not removeable till actually chargeable.

whenever they ſhall happen to become chargeable to, or be forced to aſk relief of, the pariſh, townſhip, or place, to which the certificate was given: And then, *and not before*, it ſhall be lawful for ſuch perſon, and his children, though born in that pariſh, not having otherwiſe acquired a legal ſettlement there, to be removed, conveyed, and ſettled in the pariſh or place from whence ſuch certificate was brought.

9 & 10 W. c. 11. What ſets aſide a certificate.

No perſon, who ſhall come into any pariſh by ſuch certificate, ſhall be adjudged by any act whatſoever to have procured a legal ſettlement in ſuch pariſh, unleſs he ſhall really and *bona fide* take a leaſe of a tenement of the yearly value of 10l. or ſhall execute ſome annual office in ſuch pariſh.

3 G. 2 c. 29.

Witneſſes oath reſpecting certificate.

The witneſſes who atteſt the execution of the certificate by the churchwardens and overſeers, or one of the ſaid witneſſes, ſhall make oath before the juſtices who are to allow the ſame, that ſuch witneſs or witneſſes did ſee the churchwardens and overſeers of the poor, whoſe names and ſeals are thereunto ſubſcribed and ſet, ſeverally ſign and ſeal the ſaid certificate; and that their names are of their own proper hand-writing; which ſaid juſtices ſhall alſo certify, that ſuch oath was made before them. And every ſuch certificate ſo allowed, and oath of the execution thereof ſo certified by the ſaid juſtices, ſhall be allowed, in all courts whatſoever, and received as evidence, without other proof thereof.

Certain general Rules concerning Certificates.

A Pariſh cannot be compelled to grant a Certificate.

A Certificate is not binding, unleſs ſigned by the Juſtices.

Burrow's Settl. caſe 581. Unſigned certificate.

THE juſtices are not obliged miniſterially to allow and ſign a certificate. They have a diſcretion to allow it, or not to allow it, if it be liable to objection. And if it is not a certificate within the act (which it is not, unleſs properly ſigned), it cannot conclude the pariſh.

A Certificate extends

8 & 9 W. c. 30. Extent of certificate.

NOT only to the certificate man himſelf, but likewiſe to all his family and all his children, whether born before or after the certificate.

A Certificate is concluſive againſt the Pariſh certifying.

BECAUSE a certificate is a ſolemn *acknowledgment, whereby the party is owned to be legally ſettled there: And as all other pariſhes on this certificate *are bound to receive him*, ſo the pariſh that certifies is concluded as to all other pariſhes.

2 *Salk.* 535. Pariſh granting it is bound.

A Certificate is not binding againſt a ſubſequent Settlement.

A CERTIFICATE, promiſing to receive the perſons whenever they become chargeable, is not concluſive againſt a ſettlement obtained afterwards; for though it be according to the agreement between the pariſhes, yet a private agreement in this reſpect ſhall not alter the law.

3 *Salk.* 253. May be ſuperſeded.

A Certificate is not reſtrictive from gaining a Settlement in a third Pariſh.

A CERTIFICATE provides for the ſecurity of that pariſh only, into which the certificate perſons came to reſide by virtue of ſuch certificate; but doth not exclude a certificate perſon from gaining a ſettlement in another pariſh, in the ſame manner as any other perſon may do.

Burrow's Settl. Caſe 186. By ſubſequent ſettlement.

A Certificate is diſcharged by an Eſtate of a Man's own.

A MAN may not be removed from his own, whether it come to him by deſcent, deviſe, or purchaſe; and continuing thereon 40 days, he ſhall thereby gain a ſettlement, provided that, in caſe of purchaſe, the conſideration paid amount, *bona fide*, to the ſum of 30l.

9 & 10 *W.* 11. 9 *G.* c. 7. Fixed by purchaſe.

A Certificate is diſcharged by a Removal.

THE law is ſo far from looking upon a certificate as continuing after an order of removal, that the pauper cannot return to the place from which he was removed, without incurring a penalty.

Burrow's Settl. Caſes 373: Penalty for returning.

* Appendix, No. 59.

A Certificate is discharged by the Pauper's deserting it.

9 *G. c.* 7. Case of apprentice under certificate.

THE certificate act says, that the apprentice shall not gain a settlement in the parish to which his master came by certificate. But if this apprentice hath gained an intermediate settlement, he ought to be sent to that settlement which he hath intermediately gained.

Of Settlement by Birth.

Of Bastards.

Settled where born.

A BASTARD child is *prima facie* settled when born: And this was the antient genuine settlement: But this rule admits of divers exceptions.

Cases of S. 66. Not, if by collusion,

If a woman comes into a place by privity and collusion of the officers where she belongs, and is there delivered of a bastard, such bastard gains no settlement, notwithstanding its birth.

3 Salk. 66. or by persuasion.

If a woman big with child of a bastard, and settled in one parish, is persuaded to go into another, and there be delivered; this fraud will make the parish chargeable where the mother was settled, though the child was not born there.

Cases of S. 66. or by unavoidable hindrance.

If a bastard is born under an order of removal, and before the mother can be sent to the place of settlement, being hindered by water or otherwise, such bastard shall not be settled where so born, but at the mother's settlement.

Id. To go with the order, if born in transitu.

If the officers are carrying a woman by virtue of an order of removal, and she be delivered on the road *in transitu*, the bastard shall go with the mother where she is going, by virtue of the order, notwithstanding the birth.

17 *G.* 2. *c.* 5. Woman to be delivered.

Where any woman, wandering and begging, shall be delivered of a child in any parish or place to which she doth not belong, and thereby shall become chargeable to the same, the churchwardens or overseers may detain her till they can safely convey her to a justice of the peace. And if such woman shall be detained and conveyed to a justice as aforesaid, the child of which she is delivered, if a bastard, shall not be settled in the place where so born, nor be sent thither by a vagrant pass; but the settlement of such woman shall be deemed the settlement of such child.

Settlement of the woman that of the child, so born by the way.

2 *Bulstr* 358. Born in house of correction.

A child born in the house of correction, shall be sent to the place of its mother's settlement.

13 *G.* 3. *c.* 82. Born in lying-in-hospital.

A bastard born in a lying-in-hospital, shall follow the mother's settlement.

If

If a woman come into a parish by certificate, and be there delivered of a bastard, that child shall not be included in the certificate as part of the *family*, but shall be settled where born. Sess. C. V. 2. 170. Bastard not included in certificate.

Yet it seems, that the bastard child shall go with the mother for nurture till seven years, and be maintained at the charge of the parish where it was born. See case of Darlington, *H.* 17 *G.* 3. To go with the mother.

Of Legitimate Children.

THE father's settlement is the settlement of the children, when it can be found out; otherwise the birth of the child *prima facie* is the settlement of the child, until there is another settlement found out. If they cannot find out the legal settlement of the father, the birth is the settlement of the child. The settlement by birth is only *quousque* they find the father's settlement; and if they never can find that, it is absolute upon them. *Foley*, 265. Father's settlement that of child, if known.

Of the Settlement of Children with their Parents.

THE birth of legitimate children doth not give them a settlement, except where the settlement of their father and mother is not known, and then only till it is known. *Foley*, 269. Father's or mother's settlement.

A child of seven years of age may be bound apprentice to a shipwright, fisherman, owner of a ship, or other person using the trade of the seas; and, by the vagrant act of the 17 *G.* 2, a vagrant's child of that age may, by the justices, be put out an apprentice: and, as soon as he shall have resided and lodged in a parish for 40 days under the indenture, he will have thereby gained a settlement. So that the precise time when a person may have gained a settlement in his own right, is at the age of seven years and 40 days. 5 *El. c.* 5. Apprentice at seven years old. How soon a child may gain a settlement.

When a father gains a second settlement after the birth of his child, that settlement is immediately communicated to the child. And a child may be sent to the place of his father's settlement, without ever having been there before. Str. 580. Child goes to father's second settlement.

The place where a bastard is born is the place of his settlement, unless there is some trick to charge the parish; but the place where legitimate children are born is not the place of their settlement; for let that be where it will, the children are settled where their parents are settled. 3 Salk. 259. Difference in children's settlement.

Though the place of the birth of a child, where the father hath no settlement, is the place of the settlement of the child, yet where the father hath gained a settlement, his children, though born in another parish, shall be looked on as settled at the Str. 580. Removable to father's settlement.

the place of their father's laſt legal ſettlement, and ſhall be removed thither, as well after the death of their father, if occaſion requires, as in his life-time, ſuppoſing they have gained no ſettlement of their own.

19 *Viner*, 382. Even if dead.

If the father dies before the child is born, yet the child ſhall be ſettled where the father was ſettled before his death.

Foley. 254. Widow's ſettlement. *L. Raym*. 1473. Widow's marrying again.

If a widow, by renting 10l. a year, gains a new ſettlement, her children are ſettled with her.

But if a woman marry again to a man ſettled in another pariſh, her children, by her former huſband, muſt go with her for nurture, yet they are no part of her ſecond huſband's family; and therefore gain no ſettlement in the pariſh where the father-in-law is ſettled.

3 Salk. 259. Children, how diſpoſed of.

Thoſe under ſeven years of age ſhall be kept at the charge of the other pariſh, where their father, whilſt living, was ſettled; and to that pariſh they may be ſent, after ſeven years old, as to the place of their lawful ſettlement.

Burrow's Settl. Caſe 482. Father's ſettlement, if poſſible to be found. *Holt. Ch. J.* Child's ſettlement.

The child's ſettlement follows that of its father, if the father's can be found; and no recourſe ſhall be had to the mother's ſettlement, till that of the father can be traced no further.

Where a child is firſt known to be, that pariſh muſt provide for it, till they find another.

Of Settlement by Apprenticeſhip.

13 & 14 *C.* 2. *c.* 12. Pariſh officer's duty.

ON complaint by the churchwardens or overſeers of the poor within 40 days after any perſon ſhall come to ſettle in any pariſh, on any tenement under 10l. a year, two juſtices (1 *Q.* may remove him to the place where he was laſt legally ſettled either as a native, houſholder, ſojourner, apprentice, or ſervant, for the ſpace of 40 days at the leaſt.

1 *J.* 2. *c.* 17. Inhabitancy, how computed.

The ſaid 40 days ſhall be reckoned, not from the time of his coming to inhabit, but from the time of his delivering notice in writing; and by 3. *W. c.* 11, not from the time of delivering ſuch notice, but from the time of the publication of ſuch notice in the church.

3 *W. c.* 11. Apprentice's claim.

If any perſon ſhall be bound an apprentice by indenture and inhabit in any town or pariſh, ſuch binding and inhabitation ſhall be adjudged a good ſettlement, though no ſuch notice in writing be delivered and publiſhed.

12 *An. ſt.* 1. *c.* 18. Apprentice to a certificate-maſter.

If any perſon, after June 24, 1713, ſhall be an apprentice bound by indenture to any perſon reſiding under a certificate in any pariſh, and not afterwards having gained a legal ſettlement in ſuch pariſh, ſuch apprentice, by virtue of ſuch apprenticeſhip, ſhall not gain any ſettlement in ſuch pariſh.

31 *G.* 2. *c.* 11. Writing not indented valid.

No perſon who ſhall have been bound an apprentice, by any deed, writing, or contract, not indented, being firſt legally ſtamped

ſtamped, ſhall be liable to be removed from the place where he was ſo bound and reſident 40 days, by any order of removal, or order of ſeſſions, by reaſon only of ſuch writing not being indented.

An apprentice may gain a ſettlement, whilſt his maſter, not renting 10l. a year, gains none. In ſuch caſe, the maſter being removed, may apply to the juſtices to compel the apprentice to go with him. *Burn.* Apprentice ſettled. Maſter not.

If the maſter runs away, the apprentice is not ſufficiently *ſui juris* to hire himſelf, nor can he gain a ſettlement till his indentures be legally cancelled. Caſes of S. 155. Apprentice may not hire himſelf.

Of Settlement by Service.

IF any unmarried perſon, not having child or children, ſhall be lawfully hired into any pariſh or town for one year, ſuch ſervice ſhall be adjudged and deemed a good ſettlement therein. 3 *W.* c. 11. Yearly ſervice.

No ſuch perſon ſo hired as aforeſaid, ſhall be adjudged or deemed to have a good ſettlement in any ſuch pariſh or townſhip, unleſs ſuch perſon ſhall continue and abide in the ſame ſervice during the ſpace of one whole year. 8 & 9 *W.* c. 30. Whole year.

If any perſon, after June 24, 1713, ſhall be a hired ſervant with any perſon who did come into, or ſhall reſide in any pariſh, townſhip, or place, by means or licence of a certificate, and not afterwards having gained a legal ſettlement in ſuch pariſh, townſhip, or place; ſuch ſervant ſhall not gain any ſettlement in ſuch pariſh, townſhip, or place, by reaſon of ſuch hiring or ſervice, but ſhall have his ſettlement as if he had not been an hired ſervant to ſuch perſon. 12 *An. ſt.* 1. c. 18. Servant to certificate maſter.

If an unmarried man, who has a *daughter married and ſettled elſewhere, hires himſelf for a year, and ſerves the year, he gains a ſettlement by the ſervice, though not ſtrictly a *ſingle* man. Caſes of S. 7. Man with children ſettled.

If a man hired for a year marries, having ſerved half a year, the marriage doth not hinder the ſervice; if the man performs the ſervice, he gains a ſettlement. 2 Salk. 527. Servant marrying.

All hiring for a few days, ſhort of a year, for the purpoſe of avoiding a ſettlement, will be conſidered as fraudulent; and the ſervice will be allowed to make a good ſettlement. Leſs than 40 days reſidence in any pariſh will not gain a ſettlement: But if the contract be for a year, and the ſervice be performed (ſuppoſe at ſea, or in diſtant journies), the reſidence need not be 40 days ſucceſſively; it is ſufficient if within the year he reſides 40 days in the whole. Caſes of S. 80. Burrow's Set. Caſe 243. Fraudulent hiring. Forty days' reſidence.

* N. B. Though the caſe here alluded to is that of a *daughter* married and ſettled elſewhere, it ſhould ſeem equally clear in the caſe of a *ſon*, or ſons, that have obtained a legal ſettlement elſewhere, previous to the father's obtaining a new ſettlement by the ſervice of a year, under a legal hiring for a year.

Where

Id. 256.

Last forty days ſervice.

Where there is a hiring for a year, and a ſervice for a year, and a continuance under the ſame ſervice, it is ſufficient to gain a ſettlement; and ſuch ſettlement muſt be in the pariſh where it was performed the laſt 40 days.

Of Settlement by Marriage.

M. 33. *G.* 2. Wife's ſettlement.

THE ſettlement of a woman in her huſband's pariſh, being a minor, and not having obtained the conſent of his parents or guardians, ſet aſide in the caſe of K. and Tenham.

Caſes of S. 89. *Aythorp Roding and White Roding.*

A woman marrying a huſband, who hath a known ſettlement, ſhall follow the huſband's ſettlement.

A wife can gain no ſettlement, ſeparate and diſtinct from her huſband, during the coverture.

M. 3. *G.* 2.

A woman marrying a huſband, that hath no known ſettlement, doth not loſe her former ſettlement, which ſhe had before marriage.

Of Settlement by continuing 40 Days after Notice.

3 *J.* 2. *c.* 17. Computation of notice.

THE 40 days continuance of a perſon in a pariſh, to make a ſettlement, ſhall be accounted from the time of his delivering notice in writing, of the houſe of his abode, and the number of his family, if he have any, to one of the churchwardens or overſeers of the pariſh to which he ſhall remove.

3 *W.* *c.* 11. Notice to be read in church.

Which ſaid notice in writing, the ſaid churchwarden or overſeer ſhall read, or cauſe to be read, publicly, immediately after divine ſervice, in the church or chapel, on the next Lord's Day, when there ſhall be divine ſervice in the ſame.—And the ſaid churchwarden or overſeer ſhall regiſter or cauſe to be regiſtered, the ſaid notice in writing, in the book kept for the poor's account.

Id. Penalty on refuſing to read the notice.

And if any churchwarden or overſeer ſhall refuſe or neglect to read, or cauſe to be read, ſuch notice in writing as aforeſaid, he ſhall (on proof thereof by the oath of two witneſſes before one juſtice) forfeit, for every offence, 40s. to the party grieved, by diſtreſs, by warrant directed to the conſtable of the pariſh or town where the offender dwells; and for want of ſufficient diſtreſs, the ſaid juſtice ſhall commit him to the common gaol for one month. And if any churchwarden or overſeer ſhall refuſe or neglect to regiſter, or cauſe to be regiſtered, ſuch notice in writing, he ſhall, on the like conviction, forfeit 40s. to the uſe of the poor of the pariſh or town where the offender dwells, to be levied as aforeſaid; and for want of ſufficient diſtreſs, then the ſaid juſtice ſhall commit him as aforeſaid, for the time aforeſaid.

3 *W.* *c.* 11. Caſe of ſoldiers, &c.

N. B. No ſoldier, ſeaman, ſhipwright, or other artificer, or workman in his majeſty's ſervice, ſhall have any ſettlement in any

any pariſh, port-town, or other town, by delivering and publication of notice in writing, unleſs the ſame be after a diſmiſſion out of the ſervice.

When this notice given in writing has been omitted, the court has held all conſtructive notices to be no legal ſettlement, ſuch as, attending the leet, amending the highways, and doing watch and ward. Str. 853. Other notices not legal.

Of Settlement by paying Pariſh Rates.

FORTY days inhabitancy ſhall gain a ſettlement.

Such 40 days are to be reckoned from the delivering of notice in writing, and from the publication of ſuch notice in the church. 13 & 14 *C.* 2. *c.* 12. 1 *J.* 2. *c.* 17. 3 *W.* *c.* 11.

But if any perſon, who ſhall come to inhabit in any town or pariſh, ſhall be charged with, and pay his ſhare towards the public taxes or levies of the ſaid town or pariſh, he ſhall be adjudged to have a legal ſettlement in the ſame, though no ſuch notice in writing be delivered and publiſhed. *Id.* Aſſeſſment to the payment of taxes.

But perſons reſiding under a certificate, ſhall gain no ſettlement by being rated to and paying any ſuch levies, taxes, or aſſeſſments. 9 & 10 *W.* *c.* 11. Not under a certificate.

Payments for the repair of the church, the relief of the poor, and the land-tax, have been adjudged ſufficient to gain a ſettlement: But no payment for the repair of the highways, or of the county-bridges, or of the duties on houſes and windows, ſhall make a good ſettlement. Church and poor rates, and land tax. Not highways, houſe tax, &c.

Where the tenant is *aſſeſſed to, and pays the land-tax, though it be afterwards allowed by the landlord, and deducted out of the rent, the tenant hereby gains a ſettlement; which is ſuppoſed to turn on the notice of inhabitancy, that ariſes from the party's being aſſeſſed and paying the tax, which is conſidered as tantamount to notice in writing. Burrow's Settl. Caſe 75. Tenant aſſeſſed to, and paying the land tax.

Of Settlement by ſerving a Pariſh Office.

IF any perſon, who ſhall come to inhabit in any town or pariſh, ſhall for himſelf, and on his own account, execute any public and annual office or charge in the ſaid town or pariſh, during one whole year, he ſhall be adjudged to have a legal 3 *W.* *c.* 11. Serving an annual office.

* N. B. In many inſtances, the *landlord* is *aſſeſſed* by name, though the *tenant pays* the land-tax, in confidence that it will be allowed him: In which caſe, the notoriety of ſuch a perſon's inhabitancy is loſt; and it ſhould ſeem that there is no ground on which to eſtabliſh a legal ſettlement. This deciſion, however, has of late been over-ruled; and the tenant, though he has been aſſeſſed and paid the tax, has not been allowed to have gained a legal ſettlement thereby.

settlement in the same, though no notice in writing be delivered and published.

9 & 10 *W.* *c.* 11. In which he is legally placed.

No person, who shall come into any parish by certificate, shall be adjudged by any act whatsoever, to have procured a legal settlement in such parish, unless he shall really and *bona fide* take a lease of a tenement of the yearly value of 10l. or shall execute some annual office in such parish, being legally placed in such office.

Viner Settl. Office of constable on his own account,

To serve the office of constable as deputy to another, doth not gain a settlement, though it be served a year; for, by the words of the act, he must serve the office *for himself, and on his own account.*

Burrow's Settl. Case 244. and legally placed in it.

He must also be *legally placed* in his office, by taking the oaths which belong to it. It must appear to the court, how he came into his employment or office.

Of Settlement by renting 10l. a Year.

Burrow's Settl. Case 571. 40 days residence, and renting 10l. a year.

THE act (9 & 10 *W.* *c.* 11.) doth not require a person renting a tenement of 10l. a year, to occupy it; it is enough if he rents it, and resides 40 days in the parish. The ground the act goes upon, is a person's having credit sufficient to hire a tenement of that value.

If less than 10l. removable.

If the tenement is under 10l. a year, the justices, upon complaint within 40 days, have power to remove the person coming thither to reside; if it is not under 10l. a year, they have no power to remove him; and continuing upon the same unremovable for 40 days, he thereby gains a settlement.

Of Settlement by a Person's own Estate.

9 & 10 *W.* *c.* 11. Taking a lease of a tenement.

NO certificate person shall gain a settlement, but by taking a lease of a tenement of 10l. a year, or executing an annual office.

Estate for life, &c. gains a settlement.

But, where a person has an estate for life, or an estate of inheritance of his own, *that* gains him a settlement, though less than 10l. a year; for he cannot be removed; and if he cannot be removed, he certainly gains a settlement.

Foley, 257. Burrow's Settl. Case 7. Who are properly removable.

Where a man lives upon his own, it is a case of a very tender nature, and the law will not unsettle him: Persons to be removed under the statute of *C.* 2, are those that wander from place to place, and not those who live upon their own estate.

9 *G.* *c.* 7. Settlement by purchase.

No person shall be deemed to acquire any settlement in any parish or place, by virtue of any purchase of any estate or interest in such parish or place, whereof the consideration for such purchase doth not amount to the sum of 30l. *bona fide* paid, for any longer or further time than such person shall inhabit in such

ſuch eſtate, and ſhall be then liable to be removed to ſuch pariſh or place where he was laſt legally ſettled before the ſaid purchaſe and inhabitancy therein.

A perſon may not be removed from his own, although not ſettled thereby, be the value ever ſo ſmall, or let him come to it in what manner ſoever. Burrow's Settl. Caſe 418. Not removeable from his own.

A certificate perſon ſhall gain a ſettlement by an eſtate of his own, notwithſtanding the above-ſaid ſtatute of the 9 & 10 *W.* Eſtate ſets aſide a certificate.

If an eſtate deſcends to a certificate perſon, it gains him a ſettlement, becauſe it is by operation of law, and not by an act of his own. Burrow's Settl. Caſe 205.

Having land in a pariſh will not make a ſettlement, but living in a pariſh where one has land, will gain a ſettlement without notice; for the act never meant to baniſh men from the enjoyment of their own lands. 2 Salk. 524. Settlement on his own land.

Of Removals.

IT ſhall be lawful, upon complaint made by the churchwardens or overſeers of the poor of any pariſh, to any juſtice of the peace, within 40 days after any poor perſon comes to ſettle in any tenement under the yearly value of 10l. for any two juſtices of the peace (one whereof is of the quorum) of the diviſion where any perſon that is likely to become chargeable to the pariſh ſhall come to inhabit, by their warrant to remove and convey ſuch perſon to ſuch pariſh where he was laſt legally ſettled, unleſs he give ſufficient ſecurity for the diſcharge of the ſaid pariſh, to be allowed by the ſaid juſtices. 13 & 14 *C.* 2. *c.* 12. Perſons likely to be chargeable.

And if ſuch perſon ſhall refuſe to go, or ſhall not remain in ſuch pariſh where he ought to be ſettled, but ſhall return of his own accord to the pariſh from whence he was removed, one juſtice may ſend him to the houſe of correction, there to be puniſhed as a vagabond. *Id.* Poor refuſing to go.

All perſons who ſhall unlawfully return to ſuch pariſh or place from whence they have been legally removed by order of two juſtices, without bringing a certificate from the pariſh or place whereunto they belong, ſhall be deemed idle and diſorderly perſons; and one juſtice may commit them (being thereof convicted before him, by his own view, or by their own confeſſion, or by the oath of one credible witneſs) to the houſe of correction, there to be kept to hard labour for any time not exceeding one month. 17 *G.* 2. *c.* 5. Unlawfully returning, how puniſhed.

And if the churchwardens and overſeers of the pariſh to which he ſhall be removed, refuſe to receive ſuch perſon, and to provide work for him, as other inhabitants of the pariſh; any juſtice of that diviſion ſhall bind any ſuch officer in whom there ſhall be default to the aſſizes or ſeſſions, there to be indicted for his contempt in that behalf. 13 & 14 *C.* 2. *c.* 12. Refuſing to receive, indictable.

3 *W.* c. 11. Refuſed, farther puniſhable.

If any perſon be removed by virtue of this act by warrant of two juſtices, the churchwardens or overſeers of the poor of the pariſh or town to which ſuch perſon ſhall be removed, are required to receive the ſaid perſon; which, if he or they ſhall refuſe to do, the perſon offending, on proof by the oath of two witneſſes, before one juſtice of the place to which the perſon ſhall be removed, ſhall forfeit, for each offence, 5l. to the uſe of the poor of the pariſh or town from which ſuch perſon was removed; to be levied by diſtreſs, by warrant to the conſtable of the pariſh or town where ſuch offender dwells; and for want of ſufficient diſtreſs, the ſaid juſtice ſhall commit the offender to the common gaol for 40 days.

Str. 1092. Examination before two juſtices.

Though the complaint may be to one juſtice, yet the examination ought to be by two, and thoſe the ſame who ſign the order of removal.

Burn, Poor removal, vol. iii. p. 498.

And, *moſt undoubtedly*, the juſtices ought to be *both together* at the hearing and determining; though the practice in many places is otherwiſe.

2 Salk. 406.

After an order and adjudication is made, that the ſame may appear upon record afterwards, in order to charge the pariſh, the moſt regular way for the juſtices to proceed, is to make a record of the complaint and adjudication, and upon that to make a warrant to the churchwardens and overſeers, to convey the perſons to the pariſh to which they ought to be ſent, and deliver in the record by their own hands into court the next ſeſſions, to be kept there amongſt the records.

Record to be made.

8 & 9 *W.* c. 30.

If any perſon, who ſhall come into any pariſh or place, there to reſide, ſhall deliver a certificate to one of the churchwardens or overſeers there, ſuch certificate ſhall oblige the pariſh or place granting the ſame, to receive and provide for the perſon mentioned in the ſaid certificate, together with his family, as inhabitants of that pariſh, whenever they ſhall happen to become chargeable to, or be forced to aſk relief of, the pariſh, townſhip, or place, to which ſuch certificate was given; and then, *and not before*, it ſhall be lawful for any ſuch perſon, and his children, though born in that pariſh, not having otherwiſe acquired a legal ſettlement there, to be removed, conveyed, and ſettled in the pariſh or place from whence ſuch certificate was brought.

Power of certificate.

Removeable, not till *actually* chargeable.

3 *G.* 2. c. 29. Charge of removing certificate perſon, by whom paid.

When any overſeer or other perſon ſhall remove back any perſons or their families, reſiding under a certificate, and becoming chargeable to the pariſh or place to which they ſhall belong, ſuch overſeer or other perſon ſhall be reimburſed ſuch reaſonable charges as they may have been put unto in maintaining and removing ſuch perſons, by the churchwardens or overſeers of the place to which ſuch perſons are removed; the ſaid charges being firſt aſcertained and allowed of by one or more juſtices for the county or place to which ſuch removal ſhall be made; which ſaid charges ſo aſcertained and allowed

ſhall,

shall, in case of a refusal of payment, be levied by distress and sale of the goods of the churchwardens and overseers of the place to which such certificate person is removed, by warrant of such justice or justices.

3 G. 2. c. 29. How levied, in case of refusal.

All persons who think themselves aggrieved by any such judgment of the said two justices, may appeal to the justices of the peace of the said county, at their next quarter-sessions, who shall do them justice according to the merits of their cause.

13 & 14 C. 2. c. 12. Power of appeal.

The appeal against any order of removal of any poor person, shall be had, prosecuted, and determined, at the general or quarter-sessions of the peace for the county, division, or riding, wherein the parish, township, or place, from whence such poor person shall be removed doth lie, and not elsewhere.

8 & 9 W. c. 30. Where to be heard.

N. B. In case of an order of removal from a town corporate, the appeal must be to the sessions of the county; and not *ab eodem ad eundem*, the same justices probably sitting who made the order.

2 *Salk.* 490. *Cases of Settl.* 10.

No appeal from any order of removal shall be proceeded upon, unless reasonable notice be given by the churchwardens or overseers of the parish or place appealing, unto the churchwardens or overseers of the parish or place from which the removal shall be; the reasonableness of which notice shall be determined by the justices at the quarter-sessions to which the appeal is made; and if it shall appear to them, that reasonable time of notice was not given, they shall adjourn the appeal to the next quarter-sessions, and then and there finally determine the same.

9 G. c. 7. Appeal when heard.

On all appeals to the sessions against the judgment or orders of any justices of the peace, the justices there shall cause defects of form to be rectified and amended, without any cost to the party, and after such amendment, shall proceed to hear the truth and merits of the cause.

5 G. 2. c. 19. Defect of form, first remedied.

And, for the more effectual preventing of vexatious removals and frivolous appeals, the justices in sessions, upon any appeal concerning the settlement of any poor person, or upon any proof before them there to be made, of notice of any such appeal to have been given by the proper officers to the churchwardens or overseers of any parish or place (though they did not afterwards prosecute such appeal), shall at the same sessions order to the party in whose behalf such appeal shall be determined, or to whom such notice did appear to have been given, such costs and charges in the law, as by the said justices in their discretion shall be thought most reasonable and just; to be paid by the churchwardens, overseers, or any other person, against whom such appeal shall be determined, or by the person that did give such notice; and if the person ordered to pay such costs, shall live out of the jurisdiction of the said court, any justice where such person shall inhabit, shall, on request

8 & 9 W. c. 30. Prevention of vexatious removals.

Payment of costs.

queſt to him made, and a true copy of the order for the payment of ſuch coſts produced, and proved by ſome credible witneſs on oath, by his warrant cauſe the ſame to be levied by diſtreſs; and if no ſuch diſtreſs can be had, ſhall commit ſuch perſon to the common gaol, there to remain by the ſpace of twenty days.

9 *G.* c. 7. Coſts and charges, how recovered.

If the juſtices ſhall, at their quarter-ſeſſions, upon an appeal before them there had, concerning the ſettlement of any poor perſon, determine in favour of the appellant, that ſuch poor perſon was unduly removed, they ſhall, at the ſame quarter-ſeſſions, order and award to ſuch appellant, ſo much money, as ſhall appear to the ſaid juſtices to have been reaſonably paid by the pariſh or other place on whoſe behalf ſuch appeal was made, towards the relief of ſuch poor perſon, between the time of ſuch undue removal, and the determination of ſuch appeal; the ſaid money ſo awarded to be recovered in the ſame manner as coſts and charges upon an appeal are to be recovered by the ſtatute juſt mentioned.

Foley. 276. If only want of form.

An order of two juſtices, if quaſhed at the ſeſſions upon an appeal, for want of form only, is not concluſive between the two pariſhes.

2 *Ventr.* 310.

It was moved for ſetting aſide an order of ſeſſions confirming an order of two juſtices upon appeal. But the court would hear nothing of the merits of the cauſe, the order of ſeſſions being in that caſe final, unleſs there had been an error in form.

Order of ſeſſions final.

Of the Poor Rate, and other Helps towards their Relief.

43 *El.* c. 2. Mode of voting.

THE churchwardens and overſeers of the poor of every pariſh, or the greater part of them, ſhall raiſe weekly or otherwiſe (by taxation of every inhabitant, parſon, vicar, and other, and of every occupier of lands, houſes, tithes impropriate, propriations of tithes, coal mines, or ſaleable underwoods in the ſaid pariſh) a convenient ſtock of flax, hemp, wool, thread, iron, and other ware and ſtuff, to ſet the poor to work, and alſo competent ſums for the neceſſary relief of the lame, impotent, old, blind and ſuch other among them being poor as are not able to work, and alſo for the putting out poor children apprentices.

17 *G.* 2. c. 37. Occupiers liable.

Where there ſhall be any diſpute in what pariſh or place improved waſtes, and drained and improved marſh lands lie, and ought to be rated; the occupiers of ſuch lands, or houſes built thereon, tithes ariſing therefrom, mines therein, and ſaleable underwoods, ſhall be rated to the relief of the poor, and to all other pariſh rates, within ſuch pariſh and place which

which lies neareſt to ſuch lands; and if, on application to the officers of ſuch pariſh or place to have the ſame aſſeſſed, any diſpute ſhall ariſe, the juſtices at the next ſeſſions after ſuch application made, and after notice given to the officers of the ſeveral pariſhes and places adjoining to ſuch lands, and to all others intereſted therein, may hear and determine the ſame on the appeal of any perſon intereſted, and may cauſe the ſame to be equally aſſeſſed, whoſe determination therein ſhall be final.

17 *G.* 2. *c.* 37. Diſputes referred to next ſeſſions.

The churchwardens and overſeers ſhall cauſe public notice to be given in the church, of every rate for relief of the poor, allowed by the juſtices, the next Sunday after ſuch allowance; and no rate ſhall be reputed ſufficient to be collected, till after ſuch notice given. And they ſhall permit any inhabitant to inſpect ſuch rate at all ſeaſonable times, paying 1s. and ſhall give copies on demand, being paid 6d. for every 24 names.—And if any churchwarden or overſeer ſhall not permit any inhabitant to inſpect, or refuſe to give copies as aforeſaid, he ſhall forfeit 20l. to the party grieved.

17 *G.* 3. *c.* 3. Public notice of rate.

Rate may be inſpected.

Refuſal, how puniſhed.

If a perſon ſhall be aggrieved by any aſſeſſment, or ſhall have any material objection to any perſon's being put in or left out of ſuch aſſeſſment, or to the ſum charged on any perſon or perſons therein; he may, giving reaſonable notice to the churchwardens or overſeers, appeal to the next general or quarter-ſeſſions for the county, riding, diviſion, corporation, or franchiſe; but if reaſonable notice be not given, then they ſhall adjourn the appeal to the next quarter-ſeſſions after.

17 *G.* 2. *c.* 38. Power of appeal.

On all appeals from rates, the juſtices ſhall amend the ſame, without altering ſuch rates, with reſpect to other perſons mentioned in the ſame; but if, upon an appeal from the whole rate, it ſhall be found neceſſary to ſet aſide the ſame, then they ſhall order a new rate to be made. And the court may award coſts to either party, as in caſes of ſettlement by the 8 & 9 *W.*

Id. Rate amended, if partially wrong.

True copies of the rates ſhall be entered in a book, by the churchwardens and overſeers, within 14 days after all appeals from ſuch rates are determined; and they ſhall atteſt the ſame, by putting their names thereto; and they ſhall be delivered over from time to time, to the new churchwardens and overſeers, as ſoon as they enter into their offices, to be preſerved and produced at the ſeſſions when any appeal is to be heard.

17 *G.* 2. *c.* 38. True copy of new rate.

It ſhall be lawful as well for the preſent as ſubſequent churchwardens and overſeers, or any of them, by warrant from any two ſuch juſtices, one whereof is of the quorum, to levy the ſaid ſums, and all arrearages, of every one that ſhall refuſe to contribute according as they ſhall be aſſeſſed, by diſtreſs and ſale.

43 *Eliz. c.* 2. Subſequent overſeers may collect arrears.

And if ſufficient diſtreſs cannot be found within the county, on oath made thereof before a juſtice of any other county, the goods may be levied in another county or precinct.

Id. even in another county.

In

43 *El. c.* 2. Impriſonment in defect of diſtreſs.

In defect of ſuch diſtreſs, it ſhall be lawful for two ſuch juſtices to commit ſuch perſon to the common gaol, there to remain without bail or mainprize, until payment of the ſame.

17 *G.* 2. *c.* 38. Proportion of rates, how ſettled.

Where perſons ſhall come into, or occupy any premiſes, out of which any perſon aſſeſſed ſhall be removed, or which, at the time of making ſuch rate was unoccupied; every perſon ſo removing from, or coming into, or occupying the ſame, ſhall be liable to pay ſuch rate, in proportion to the time that ſuch perſon occupied the ſame reſpectively, under the like penalty of diſtreſs, as if ſuch perſon ſo removing had not removed, or the perſon coming in or occupying had been originally aſſeſſed in ſuch rate; which proportion, in caſe of diſpute, ſhall be aſcertained by two juſtices.

Id. Amends offered for irregular diſtreſs.

If there has been any irregularity of proceeding in the parties diſtraining, and tender of amends hath been made by the ſaid parties before an action is brought, no plaintiff ſhall recover in any action for ſuch irregularity.

Id. Succeeding overſeers to reimburſe what is due.

And if any perſon ſhall neglect to pay to ſuch overſeers, the ſucceeding overſeers ſhall levy the arrears, and ſhall reimburſe their predeceſſors the ſame which are allowed to be due to them in their accounts.

43 *El. c.* 2. When pariſh is unable.

If the juſtices perceive that the inhabitants of any pariſh are not able to levy among themſelves ſufficient ſums for the purpoſes aforeſaid, then the ſaid two juſtices (1 *Q.*) ſhall tax, rate, and aſſeſs as aforeſaid any other of other pariſhes, or out of any pariſh within the hundred, to pay ſuch ſums to the churchwardens and overſeers or the ſaid poor pariſh, as the juſtices ſhall think fit.

Id. Relations, if able to relieve.

The father and grandfather, mother and grandmother, and children of every poor, old, blind, lame and impotent perſon, or other poor perſon not able to work, being of a ſufficient ability, ſhall, at their own charges, relieve and maintain every ſuch poor perſon, in that manner, and according to that rate, which, by the juſtices of that county where ſuch ſufficient perſons dwell, in their ſeſſions ſhall be aſſeſſed; on pain of 20s. a month; which penalty ſhall go to the uſe of the poor of the ſame pariſh, and be levied by ſome or one of the churchwardens or overſeers, by warrant from two ſuch juſtices (1 *Q.*) by diſtreſs; or in defect thereof, any two ſuch juſtices may commit the offender to the common gaol, there to remain without bail or mainprize, till the ſaid forfeitures ſhall be paid.

Penalty on refuſal.

5 *G.* 2. *c.* 8. Huſband or parents deſerting.

Where any wife, child, or children, ſhall be left by their huſband or parents, it ſhall be lawful for the churchwardens or overſeers, by warrant of two juſtices, to take and ſeize ſo much of the goods and chattels, and receive ſo much of the annual rents and profits of the lands and tenements of ſuch huſband, father, or mother, as ſuch two juſtices ſhall order and direct, towards the diſcharge of the pariſh or place where ſuch wife, child, or children are left, for the bringing up and providing for ſuch wife, child, or children; which warrant or order

order being confirmed at the next quarter-ſeſſions, it ſhall be lawful for the juſtices there to make an order for the churchwardens or overſeers to diſpoſe of ſuch goods or chattels by ſale or otherwiſe, or ſo much of them, for the purpoſes aforeſaid, as the court ſhall think fit, and to receive the rents and profits, or ſo much of them as ſhall be ordered by the ſaid ſeſſions, of his or her lands and tenements, for the purpoſes aforeſaid. 5 *G. c.* 8. Property ſeized and diſpoſed of.

And the ſaid churchwardens and overſeers ſhall be accountable to the juſtices at the quarter-ſeſſions for all ſuch money as they ſhall ſo receive. *Id.* Officer accountable.

All perſons running away out of their pariſhes, and leaving their families upon the pariſh, ſhall be deemed and ſuffer as incorrigible rogues. See the article *Vagrants*. 7 *J. c.* 4. Leaving family, chargeable.

By 17 *G.* 2. *c.* 5, theſe offenders are ranked in a leſs criminal claſs, and are to be puniſhed only as rogues and vagabonds. See the ſaid article *Vagrants*. Subſequent ſtatute.

If a perſon doth but threaten to run away, and leave his wife and children upon the pariſh, he ſhall, on conviction, before one juſtice by confeſſion, or oath of one witneſs, be committed to the houſe of correction, for any time not exceeding one month. 17 *G.* 2. *c.* 5. Threatening to run away.

Of the Relief and ordering of the Poor.

THE churchwardens and overſeers, with the conſent of two juſtices (1 *Q.*) ſhall take order, from time to time, for ſetting to work the children of all ſuch whoſe parents ſhall not by the ſaid churchwardens and overſeers, or the greater part of them, be thought able to keep and maintain their children; and for ſetting to work all ſuch perſons, married or unmarried, having no means to maintain them, and uſing no ordinary and daily trade; and for the neceſſary relief of the lame, impotent, old, blind, and ſuch other among them being poor, and not able to work. 43 *El. c.* 2. Poor ſet to work.

And the ſaid juſtices, or one of them, ſhall ſend to the houſe of correction, or common gaol, ſuch as ſhall not employ themſelves to work, being appointed thereunto as aforeſaid. Idle poor, how puniſhed.

Two or more pariſhes, townſhips, or places may join (with the approbation of any juſtice in or near ſuch pariſh, &c. ſignified under his hand and ſeal) in purchaſing, hiring, or taking any houſe or houſes for the lodging, keeping, and maintaining of the poor of the ſaid pariſhes; the major part of the inhabitants aſſembled in veſtry and conſenting, and notice being firſt given of ſuch public meeting for this purpoſe. 9 *G. c.* 7. Union of two or more pariſhes.

The churchwardens and overſeers of one pariſh, &c. may contract with thoſe of another, without joining, for the lodging, maintaining, and employing of the poor. *Id.* Contract without joining.

3 *W.* c. 11. Regiſter of poor

There ſhall be provided and kept in every pariſh a book, wherein the names of all perſons who receive collection ſhall be regiſtered, with the day and year when they were firſt admitted to have relief; and the occaſion which brought them under that neceſſity; and yearly in Eaſter week, or as often as ſhall be thought convenient, the pariſhioners ſhall meet in veſtry, or other uſual place of meeting in the pariſh, before whom the book ſhall be produced, and all perſons receiving collection ſhall be called over, and the reaſons of their taking relief examined, and a new liſt made and entered of ſuch perſons as they ſhall think fit, and allow to receive collection; and no perſon ſhall be allowed to receive collection of the pariſh, but by authority of one juſtice reſiding in or near ſuch pariſh, or by order of the juſtices in ſeſſions, except in caſes of plague or ſmall pox, for ſuch families as ſhall be therewith infected.

Examined in Eaſter week, or oftener.

Officers, how warranted to relieve.

9 *G.* c. 7. Oath of refuſal to relieve.

No juſtice ſhall order relief to any poor perſon, till oath be made before him, that the ſame perſon hath applied to the pariſhioners in veſtry, or to two of the overſeers, without being relieved, and till ſuch juſtice hath ſummoned the two overſeers to appear and ſhew cauſe why ſuch relief ſhould not be given.

9 *G.* 3. c. 37. Paying poor in baſe money.

If any churchwarden or overſeer of the poor, or perſon authorized by him, ſhall make any payments to the poor in any baſe or counterfeit money, one juſtice, on complaint, may ſummon the offender, and on proof of the offence, by the oath of one witneſs, may adjudge him to forfeit not leſs than 10s. nor more than 20s. to be levied by diſtreſs, and to be applied to the uſe of the poor.

22 *G.* 3. c. 83. Two-thirds may adopt this act,

with the approbation of two juſtices.

Two thirds of a pariſh, in number and value, may agree to adopt this act,* and may nominate three diſcreet perſons qualified for guardians of the poor, and three others to be governors of the poor-houſe, and may fix their ſalaries, with the conſent of two juſtices of the limit. Two or more pariſhes may alſo unite for the purpoſes of this act, with the approbation of two juſtices ſubſcribed at the foot of the agreement; which agreement ſhall ſpecify the ſituation of the houſe or houſes, and a copy of the terms agreed on ſhall in three months be left with the clerk of the peace.

Id. Governor appointed with ſalary.

Two juſtices ſhall appoint one of the three perſons recommended as above for governor of ſuch poor-houſe, to take care of, and employ the poor, and to be allowed the ſalary or wages ſpecified in the agreement; the viſitor of ſuch poor-houſe, or where a guardian is viſitor, two juſtices may remove the governor, on ſufficient proof of miſbehaviour or incapacity.

* And it were to be wiſhed that it could be more generally adopted; or that, if it be not adopted *in toto*, ſome of the moſt wholeſome and uſeful proviſions of it might be received and applied.

The

The guardians of the poor of theſe united pariſhes ſhall, two or more of them, produce to two juſtices of the limit the names of three reſpectable perſons, as fit for the office of viſitor; out of whom the juſtices ſhall, within three days, appoint one; and if he declines it, one other of the three; and in caſe of his refuſal, the third; and if all refuſe, the guardians ſhall *viſit* by rotation, ſubject to the controul of the juſtices of the limit; ſuch viſitor, if not a guardian, may appoint a proper perſon for his deputy, to inſpect the matters committed to the care of the viſitor, and to make his report thereof. 22 *G.* 3. *c.* 83. Viſitior appointed.

Every viſitor, ſo to be appointed, ſhall ſuperintend every ſuch houſe or houſes, and ſettle and adjuſt the accounts between the ſaid guardians of the poor and the treaſurer of ſuch houſe, if any queſtion or diſpute ſhall ariſe reſpecting the ſame; and alſo ſhall ſettle and adjuſt all queſtions which may ariſe concerning the perſons which ought to be ſent to ſuch houſe or houſes, according to the intention of this act, and by every prudent means in his power, enforce and promote the rules and orders for the better accommodation and relief of the poor: And every ſuch governor, guardian, and treaſurer, is hereby required to obſerve and obey the directions which he ſhall, from time to time, receive from the viſitor ſo to be appointed, touching the ſeveral matters aforeſaid: And, where any act ſhall be required to be done by a juſtice of the peace, ſuch viſitor, if not a juſtice, or his deputy or aſſiſtant, ſhall apply to ſome neighbouring magiſtrate to do the ſame: And every perſon to be nominated or appointed viſitor or deputy viſitor as aforeſaid, as an inducement to his undertaking and executing that office, ſhall be freed and diſcharged from ſerving the office of conſtable, and all parochial offices, and alſo from ſerving upon juries at the aſſizes or quarter-ſeſſions, ſo long as he ſhall continue in that office; and a certificate, under the hand of a juſtice of the peace acting for the limit wherein he executes ſuch office, ſhall be admitted as evidence of his ſerving the office. *Id.* Viſitor's duty. Viſitor's privileges.

If two thirds, in number and value as aforeſaid, of the owners or occupiers of land, tenements, or hereditaments, within any *ſingle* pariſh, townſhip, or place, which ſhall adopt the proviſions of this act in manner aforeſaid, ſhall deſire to have a viſitor appointed, and ſhall nominate and recommend to the juſtices of the limit three perſons properly qualified for that office, the juſtices, upon application to them in manner aforeſaid, ſhall appoint one of the perſons ſo recommended, in the manner herein-before directed. *Id.* Three perſons recommended to juſtices.

The guardians of the ſeveral pariſhes and townſhips united for the purpoſes of this act, ſhall recommend to the juſtices one of their own body to be treaſurer of the poor-houſe; and it ſhall and may be lawful for two juſtices of the limit to appoint the guardian ſo recommended, or any other of the guar- *Id.* Treaſurer appointed,

22 G. 3. c. 83. with ſecurity.

dians whom they ſhall think better qualified, to that office; which treaſurer ſhall give ſufficient ſecurity, to the ſatisfaction of the juſtices, to the other guardians, and their ſucceſſors, for his duly accounting for the money which ſhall come to his hands; and ſhall keep the accounts, receive the money to be contributed by each pariſh and townſhip, and pay or diſcharge the ſeveral bills and expences which ſhall be allowed and ordered to be paid by the guardians, at their monthly meeting; and ſhall lay his accounts before the guardians, at every ſuch meeting, for their peruſal and approbation; and ſhall, once in every year, within 14 days before the Michaelmas quarter-ſeſſions of the peace, make out a juſt and fair account of the expences attending the ſame; and alſo an account of the number of poor perſons, diſtinguiſhing their age and ſex, which ſhall be contained in every ſuch houſe at the time of making ſuch account, and how they have been employed, and how much money hath been earned by the labour of the poor in the year preceding; which ſhall be laid before the viſitor, and ſigned with his hand, if he approves the ſame, and ſhall afterwards be tranſmitted to the clerk of the peace, or town clerk, before or at the time of the ſaid quarter-ſeſſions, and be by him laid before the court there for their inſpection: And every ſuch treaſurer ſhall be allowed, for his trouble in executing that office, ſuch annual ſum, not exceeding 10l. as the viſitor, if not a guardian, ſhall think fit; and if no ſuch viſitor, as two juſtices of the peace for the limit ſhall appoint.

Make out an annual account.

Id. Juſtices to fill up vacancies.

Vacancies occaſioned by death of officers, &c. to be ſupplied by the juſtices in manner aforeſaid.

Id. Offices, when to determine.

The offices of guardian, governor, viſitor, or treaſurer, ſhall determine in Eaſter week next after the reſpective perſons ſhall be appointed thereto, on the day upon which the public meeting ſhall be held; when the perſons, who, according to this act, are qualified and have a right to recommend another perſon to the juſtices, to be appointed to ſuch office, ſhall either agree with the perſons who held the ſame to continue in ſuch office, or ſhall proceed to recommend others, in the manner herein-before directed, as if ſuch perſon had died.

Id. What juſtices to act.

If within any ſuch limit as aforeſaid, wherein any poor-houſe ſhall be ſituate, there ſhall happen to be no acting juſtice, or only one acting juſtice of the peace, or if the juſtice or juſtices of the peace, who uſually act in that limit, ſhall be abſent, or by any means incapacitated to act, it ſhall and may be lawful for any juſtice or juſtices of any other limit to act in all ſuch caſes.

Id. Special ſeſſions to execute this act.

The juſtices of the peace, within their reſpective limits, may appoint ſpecial or privy ſeſſions for executing the ſeveral powers and purpoſes of this act, cauſing proper notices to be given of the time and place of holding the ſame, to the ſeveral juſtices of the peace, peace officers, and guardians of the poor, within ſuch reſpective limits; and alſo may adjourn any ſuch privy ſeſſions, to be again holden at ſuch time and place

place as they ſhall judge moſt proper for diſcharging the buſineſs required by this act, and ſuch other buſineſs which may happen to fall under their cognizance, ſo as to occaſion the leaſt trouble to themſelves, and to afford the greateſt convenience and accommodation to the public, cauſing the like notices to be given of every ſuch adjournment. 22 *G.* 3. *c.* 83.

The poor are to be maintained at the general expence of the reſpective pariſhes: The guardians are to meet monthly: And the treaſurer, at each meeting, is to produce an account of debts incurred for utenſils, furniture, &c.; and alſo an account of the victuals, beer, &c. uſed in the poor-houſe; and the ſum due from each pariſh, townſhip, or place, ſhall be ſpecified at the foot of ſuch account, which ſhall, when ſettled and agreed to, be ſigned by ſuch guardians, or the major part of them, and be afterwards inſpected by the viſitor, if not a guardian, and allowed by him, if he ſhall approve thereof; and in caſe default ſhall be made in payment of the reſpective ſums ſo proportioned, for ſeven days after the ſame ſhall be ſo ſettled and proportioned, and the money demanded, it ſhall and may be lawful for any juſtice of the peace for the limit where ſuch houſe or houſes ſhall be ſituate, upon complaint made to him upon oath of ſuch default, to levy the ſaid reſpective ſums, to be ſettled and proportioned as aforeſaid, by diſtreſs and ſale of the goods and chattels of any guardian of the poor for any ſuch pariſh, townſhip, or place, making ſuch default; and at the end of every year the account ſhall be finally cloſed, and the balances paid and received.

Maintenance of poor.
Meeting of guardians.
Treaſurer's account.

It ſhall and may be lawful for the guardians of the poor, where any ſuch poor houſe ſhall be provided, purchaſed, or agreed to be erected, to incloſe from any waſte or common land or ground lying near or adjoining thereto, with the conſent and approbation of the lord of the manor, and the major part in value of the freeholders or perſons having right of common thereupon, ſignified under their hands and ſeals, any part or portion of ſuch waſte or common land, not exceeding *ten* acres, for the purpoſe of building upon, or occupying, cultivating, and improving the ſame, for the uſe and benefit of ſuch poor-houſe, and the poor perſons within the pariſh, townſhip, or place, where the ſame ſhall be, or within the pariſhes, townſhips, or places, which ſhall be united therewith for the purpoſes of this act. *Id.*

Ten acres may be incloſed.

No perſon ſhall be ſent to ſuch poor-houſe or houſes, except ſuch as are become indigent by old age, ſickneſs, or infirmities, and are unable to acquire a maintenance by their labour, and except ſuch orphan children as ſhall be ſent thither by order of the guardian or guardians of the poor, with the approbation of the viſitor; and except ſuch children as ſhall neceſſarily go thither with their mothers for ſuſtenance. *Id.*

Who proper objects.

Nothing

22 *G.* 3. *c.* 83. No child under 7 years old.

Nothing herein contained ſhall give any power to ſeparate any child or children, under the age of ſeven years, from his, her, or their parent or parents, without the conſent of ſuch parent or parents.

Id. Employment of diligent poor.

Where there ſhall be, in any pariſh, townſhip, or place, any poor perſon or perſons who ſhall be able and willing to work, but who cannot get employment, it ſhall and may be lawful for the guardian of the poor of ſuch pariſh, townſhip, or place, and he is hereby required, on application made to him by or on behalf of ſuch poor perſon, to agree for the labour of ſuch poor perſon or perſons, at any work or employment ſuited to his or her ſtrength and capacity, in any pariſh, townſhip, or place, near the place of his or her reſidence, and to maintain, or cauſe ſuch perſon or perſons to be properly maintained, lodged, and provided for, until ſuch employment ſhall be procured, and during the time of ſuch work, and to receive the money to be earned by ſuch work or labour, and apply it in ſuch maintenance, as far as the ſame will go, and make up the deficiency, if any; and if the ſame ſhall happen to exceed the money expended in ſuch maintenance, to account for the ſurplus, which ſhall afterwards, within one calendar month, be given to ſuch poor perſon or perſons who ſhall have earned ſuch money, if no further expences ſhall be then incurred on his or her account to exhauſt the ſame. And in caſe ſuch poor perſon or perſons ſhall refuſe to work, or run away from ſuch work or employment, complaint ſhall be made thereof by the guardian to ſome juſtice or juſtices of the peace in or near the ſaid pariſh, townſhip, or place; who ſhall enquire into the ſame upon oath, and upon conviction puniſh ſuch offender or offenders, by committing him, her, or them, to the houſe of correction, there to be kept to hard labour for any time not exceeding three calendar months, nor leſs than one calendar month.

Of idle poor.

Id. Clothing to be provided.

The guardian of the poor for any pariſh, townſhip, or place, adopting the proviſions of this act as aforeſaid, ſhall provide, at the expence of ſuch pariſh, townſhip, or place, ſuitable and neceſſary clothing for the perſons ſent by him to ſuch poor-houſe as aforeſaid; and in caſe of his neglect ſo to do, the governor, or one of the guardians of every ſuch houſe, ſhall make complaint thereof to ſome neighbouring juſtice of the peace; who ſhall ſummon the guardian ſo making neglect to appear before him to anſwer the ſaid complaint, and direct him to provide ſuch clothing as ſhall to ſuch juſtice appear neceſſary; and if ſuch guardian ſhall make default in providing ſuch clothing, within 10 days after ſuch direction, it ſhall and may be lawful for ſuch juſtice of the peace to direct the governor of ſuch poor-houſe, or the guardian ſo making ſuch complaint, to provide the ſame, and to demand from ſuch guardian ſo making neglect, the charges and expences of ſuch clothing; and in default of payment thereof, upon demand made, it ſhall and may be lawful for ſuch juſtice or juſtices of the peace to levy

levy the ſame, and the coſts and charges attending the recovery thereof, by diſtreſs and ſale of the goods and chattels of every ſuch guardian ſo making default. 22 G. 3. c. 83.

The *rules, orders, and regulations, ſhall be duly obſerved and enforced at every poor-houſe or work-houſe to be provided by virtue of this act, with ſuch additions as ſhall be made by the juſtices of the peace of the limit wherein ſuch houſe or houſes ſhall be ſituate, at ſome ſpecial ſeſſion; provided that ſuch additions ſhall not be contradictory to the rules, orders, and regulations eſtabliſhed by this act, and provided that the ſame be not repealed by the juſtices at their quarter-ſeſſions of the peace; and, for the purpoſe of having them more generally known, and more ſtrictly attended to, the governors of every ſuch houſe or houſes ſhall, and are hereby required to cauſe the ſame to be printed in plain legible characters, and fixed up in ſome conſpicuous part of every ſuch houſe or houſes. Rates and orders to be obſerved.

It ſhall and may be lawful for any juſtice of the peace, on complaint made upon oath, by or on behalf of any poor perſon belonging to any pariſh, townſhip, or place, that the guardian, upon application made to him, hath refuſed ſuch perſon proper relief, and after enquiring into the condition and circumſtance of ſuch poor perſon upon oath, *either* to order him or her, by writing under the hand of ſuch juſtice, ſome weekly or other relief, *or* direct ſuch guardian to ſend ſuch poor perſon to the poor-houſe, in caſe he or ſhe ſhall appear a fit object to be kept and provided for there; which order ſhall be complied with, or ſufficient cauſe ſhewn to the contrary, before ſuch juſtice, by ſuch guardian, within two days after he ſhall receive the ſame; and every perſon receiving weekly relief, ſhall wear the badge directed by the act made in the eighth and ninth years of the reign of King William the Third, unleſs directed otherwiſe by a juſtice of the peace, upon proof of very decent and orderly behaviour; or if it ſhall appear to ſuch juſtice, that the perſon ſo complaining, or on whoſe behalf ſuch complaint is made, is able and willing to work, but wants employment, in that caſe it ſhall and may be lawful for ſuch juſtice to order the guardian to procure him or her maintenance and employment in the manner herein-before directed; and if any guardian ſhall, upon due notice of any ſuch order, refuſe or neglect to obey the ſame, he ſhall, for every ſuch refuſal or neglect, forfeit the ſum of 5l. or if it ſhall appear to ſuch juſtice, that the perſon making ſuch complaint, or on whoſe behalf ſuch complaint is made, is an idle or diſorderly perſon, and has not uſed proper means to get employment, it ſhall and may be lawful for the juſtice, after examining *Id.* Guardian refuſing relief. Badge to be worn. Poor willing to work to be employed or maintained. Puniſhment of idle and diſorderly poor.

* Theſe are ſubjoined to the act, which every pariſh, adopting the ſcheme therein propoſed, will certainly obtain; and to which the reader is referred, if he requires more particular information.

22 *G.* 3. *c.* 83. amining ſuch perſon, and hearing the whole circumſtances of the caſe, to commit ſuch perſon to the houſe of correction for any time not exceeding three calendar months, nor leſs than one calendar month; or if it ſhall appear to ſuch juſtice, upon enquiry as aforeſaid, that the huſband or father of ſuch perſon making complaint, or on whoſe behalf complaint ſhall be ſo made, for want of relief, is an idle or diſorderly perſon, able to work, but by his neglect of work, or for want of ſeeking employment, or by ſpending the money he earns in ale-houſes, or places of bad repute, does not maintain his wife or children, and ſuffers them to be reduced to want, it ſhall and may be lawful for ſuch juſtice of the peace, in like manner, to commit the huſband of ſuch poor woman, or the father of ſuch poor child or children, to the houſe of correction, for any time not exceeding three calendar months, nor leſs than one calendar month.—[See alſo Amended Vagrant Act, 32, *G.* 3.]

Redreſs of aggrieved poor. The guardian ſhall not be ſummoned before the juſtice, unleſs the complainant ſhall have applied both to the guardian and viſitor; but if ſufficient relief ſhall not be given or ordered, the poor perſon complaining, or on whoſe behalf ſuch complaint ſhall be made, ſhall be redreſſed by ſuch juſtice.

Application of penalties. Out of the penalty hereby inflicted upon the guardian for diſobeying the order of a juſtice of the peace for the relief and maintenance of any poor perſon, ſo much thereof as the juſtice of the peace, who ſhall convict ſuch offender, ſhall direct to be paid to ſuch poor perſon to whom ſuch relief was ordered, ſhall be paid to him or her accordingly, and the remainder applied in ſuch manner as the other penalties are hereby directed to be diſpoſed of.

Poor taken ill in tranſitu. If any poor perſon ſhall be retarded on his or her paſſage through any pariſh, townſhip, or place, in which he or ſhe has no legal ſettlement, by ſickneſs or bodily infirmity, without the means of ſubſiſtence, or of proceeding to the place of his or her ſettlement, the guardian living near the place where ſuch diſtreſſed object ſhall be, ſhall, and is hereby required, upon notice thereof, forthwith to provide lodging, and ſuitable nouriſhment and aſſiſtance (and alſo cloathing, if neceſſary) for ſuch perſon, until he or ſhe can be removed with ſafety; and when ſuch perſon ſhall be fit to be removed, ſhall take ſuch perſon to ſome neighbouring juſtices of the peace, who ſhall examine him or her upon oath, touching the place of his or her ſettlement, and make an order for his or her removal thither, if they think fit; and the pariſh officer who ſhall ſo receive and provide for ſuch perſon or perſons as aforeſaid, ſhall make a charge of the expences attending the ſame, which, on being allowed and certified by the juſtice before whom ſuch poor perſon ſhall be ſo taken, or ſome other neighbouring juſtices within the limit where ſuch perſon was found, the ſame ſhall be paid by the guardian of the pariſh, townſhip, or place, where ſuch poor perſon ſhall be ſettled, in caſe

case the same can be discovered, *and shall happen to be within that county*, on demand made thereof, and on the production of such allowance and certificate as aforesaid; or in default of payment, the same shall be levied upon the goods and chattels of any such guardian so making default, after due summons, by warrant from a justice of the peace having jurisdiction there; and if any poor and sick person, circumstanced as aforesaid, shall die before he or she can be so examined, or if any poor person shall be found dead in any parish or place to which he or she did not belong, the guardian of such parish or place respectively shall, and is hereby required, in every such case, to cause such person to be buried in the parish, township, or place, where he or she so died or was found dead, and shall make a charge of the expences attending the same respectively, which shall be allowed and certified by a justice of the peace, after examining into the place of his or her settlement, and shall be paid by the guardian of the parish, township, or place where such person shall appear to have been settled, if the same shall be within that county; but in case the settlement of such poor persons respectively cannot be discovered, or shall not be within that county, the same shall be paid by the treasurer of such county, riding, division, city, or place, where such person was so relieved, on the production of such allowance and certificate, out of the county or public money to be collected within his limit, and allowed to such treasurer in his accounts. 22 *G.* 3. *c.* 83.

Poor dying.

If any poor person, who shall be sent to such house or houses, shall embezzle or wilfully waste any of the goods or materials committed to his or her care, or shall take or carry away, without permission of the governor, any goods or materials provided for the use of such house, or belonging to any person residing there, complaint shall be made thereof upon oath to some neighbouring justice of the peace living near such house; who shall hear the same, and the party accused; and such justice is hereby authorised, upon conviction, to commit such offender to the house of correction, there to be kept to hard labour for any time not exceeding six calendar months, nor less than two calendar months, as the said justice shall think fit and direct. *Id.* Embezzling materials.

How punished.

If any guardian, or other person or persons, shall entice, take, convey, or remove any poor person or persons from one parish or place to another, which shall adopt the provisions of this act, without an order of removal from two justices of the peace for that purpose, every person or persons so offending shall, for every such offence, forfeit a sum not exceeding 20*l.* nor less than 5*l.* *Id.* Penalty on enticing poor to remove.

If any visitor, guardian, or governor, shall sell or furnish any materials, goods, clothes, victuals, or provisions, or do any work in his trade for the use of any work-house, poor-house, or poor persons, within any parish, township, or place, for which he shall be so appointed to act, or be concerned in *Id.* Interested officers.

22 *G.* 3. *c.* 83. trade or intereſt with any perſon or perſons who ſhall ſell, provide, do, or furniſh the ſame, he ſhall, for every ſuch offence, forfeit a ſum not exceeding 20*l.* nor leſs than 5*l.* on being duly convicted thereof by a juſtice of the peace.

Houſes may be ſold. The guardians of the poor of any pariſh, townſhip, or place, which ſhall adopt the proviſions of this act, with the approbation of the perſons qualified as herein before-mentioned, obtained at a public meeting held for that purpoſe, may ſell or diſpoſe of any houſe, cottage, or building, which ſhall have been erected or purchaſed for the uſe of any poor perſon or perſons, at the expence of ſuch pariſh, townſhip, or place, and apply the money ariſing therefrom to the purpoſes of this act; and alſo may remove, by order from a juſtice or juſtices of the peace, the perſon or perſons who ſhall inhabit the ſame, or any other houſe or dwelling rented or provided at the expence of ſuch pariſh, townſhip, or place, if he, ſhe, or they refuſe to quit, after receiving 14 days notice for that purpoſe.

Id. Penalties, how recovered, All penalties inflicted by this act ſhall be recovered before one or more juſtice or juſtices of the peace of the juriſdiction where the offender dwells; who ſhall, upon conviction, in default of payment, after due ſummons, and demand made, cauſe the ſame to be levied by diſtreſs and ſale of the offender's goods and chattels, by virtue of a warrant under the hand and ſeal of any juſtice of the peace having juriſdiction where ſuch offender ſhall dwell, rendering to the ſaid offender the overplus (if any) after the charges of ſuch diſtreſs and ſale ſhall be deducted; for want of diſtreſs, any ſuch juſtice of the peace may commit ſuch offender to the houſe of correction, there to remain, without bail or mainprize, for any ſpace not exceeding ſix calendar months, nor leſs than one calendar month; every ſuch penalty and forfeiture, if not hereby otherwiſe directed to be diſpoſed of, ſhall be paid to the treaſurer of every ſuch houſe or houſes, to be applied by him towards defraying the monthly expences of victuals, beer, firing, and other neceſſary proviſions for the poor within ſuch houſe or houſes.

and applied.

Id. Power of appeal. Any perſon aggrieved by the act of any juſtice or juſtices of the peace out of ſeſſions, may appeal to the next general quarter-ſeſſions of the peace, giving eight days notice thereof to the party againſt whom the complaint ſhall be made, and giving ſecurity, by recognizance, to be acknowledged before a juſtice of the peace, with a ſufficient ſurety, to pay the coſts attending ſuch appeal, if the matter ſhall be determined againſt the appellant; and the juſtice's determination ſhall be final.

33 *G.* 3. *c.* 35. By this act, two thirds in number and value, according to the poor rates, of perſons qualified according to the act 22 *G.* 3, *c.* 83, who ſhall attend any public meetings, and ſignify their approbation of the proviſions thereof are ſufficient. When two third parts, in number and value as aforeſaid, of the ſaid perſons ſo qualified, and actually attending at ſuch public meeting

meeting as aforeſaid, ſhall nominate and recommend to the conſideration of the juſtices of the peace of the county, riding, city, town, or place where ſuch meeting ſhall be holden, three able and diſcreet perſons qualified for guardians of the poor for ſuch pariſh, townſhip, or place, and ſhall fix the ſalary to be paid to ſuch guardian, according to the manner and form preſcribed by the ſaid act; and ſhall alſo ſignify their opinion to the ſaid juſtices, that, on account of the extent and population of ſuch pariſh, townſhip, or place, more than one guardian of the poor is neceſſary for the ſame; and ſhall expreſs their deſire that two of the three perſons ſo nominated and recommended as aforeſaid, may be appointed guardians of the poor for ſuch pariſh, townſhip, or place, it ſhall and may be lawful for ſuch of the ſaid juſtices as are already empowered by the ſaid act, to appoint one guardian to comply with the ſaid deſire, and to appoint two guardians accordingly.

33 *G.* 3. *c.* 35. A like number may recommend to the juſtices three perſons qualified for guardians of the poor, &c.

All ſuch caſual poor, as may happen to be within, and would be entitled to relief from any one of ſuch pariſhes, townſhips, or places as have been, or may hereafter be, united, ſhall be relieved by all the ſaid pariſhes, townſhips, or places conjointly, and in the ſame proportion as they ſhall be, and are directed to contribute for the general purpoſes of the ſaid act.

Caſual poor to be relieved by united pariſhes conjointly.

If any overſeer ſhall remove, he ſhall, before his removal, deliver over, to ſome churchwarden or other overſeer, his accounts, verified upon oath, with all aſſeſſments, books, papers, money, and other things concerning his office; and if any overſeer ſhall die, his executors or adminiſtrators ſhall, within 40 days after his deceaſe, deliver over all things concerning his office to ſome churchwarden or other overſeer, and ſhall pay out of the aſſets all money remaining due, which he received by virtue of his office, before any of his other debts are paid.

17 *G.* 2. *c.* 38. Overſeer's duty on removal.

Executors on his death.

If any perſon ſhall find himſelf aggrieved by any act done by the ſaid overſeers or juſtices, he may appeal to the general quarter-ſeſſions, whoſe order therein ſhall bind all parties.

43 *El. c.* 2. Power of appeal.

In all corporations or franchiſes, which have not four juſtices, perſons aggrieved may appeal, if they think fit, to the next county-ſeſſions.

17 *G.* 2. *c.* 38. Appeal in corporations.

Overſeers being negligent in their office, ſhall forfeit, for every default, 20s. to the poor, to be levied by one of the churchwardens or overſeers, by warrant of two juſtices (1 *Q.*) by diſtreſs; or in defect thereof, any two ſuch juſtices may commit the offender to the common gaol, there to remain, without bail or mainprize, till the ſaid forfeiture ſhall be paid.

43 *El. c.* 2. Negligent overſeers.

Any pariſh-officer neglecting his duty, being convicted thereof on oath before two juſtices, in two calendar months af-

17 *G.* 2. *c.* 38. Penalty on pariſh officers neglecting duty.

ter the offence committed, ſhall forfeit not exceeding 5l. nor leſs than 40s. to the poor, by diſtreſs.

3 *W.* c. 11. Pariſhioners admitted witneſſes.

In all actions to be brought in the courts of Weſtminſter, or at the aſſizes, for the recovery of any ſum miſ-ſpent or taken to their own uſe by the churchwardens or overſeers, the evidence of the pariſhioners, other than ſuch as receive alms, ſhall be admitted.

1 *J.* c. 12. Action, where laid, and how defended.

If any action be brought againſt any overſeer, or other perſon which is in his aid, or by his commandment, ſhall do any thing concerning his office, he may plead the general iſſue, and if he recovers, he ſhall have double coſts. And ſuch action ſhall be laid in the proper county, and not elſewhere.

Popery.

Refuſal to take the oaths.

BY the toleration-act, if any perſon, being required by a juſtice of the peace, ſhall refuſe to take the oaths of allegiance and ſupremacy, and to make and ſubſcribe the declaration againſt popery of the 30 *C.* 2, he ſhall be committed by the ſaid juſtice to priſon; and, at the next ſeſſions, if he ſhall again refuſe to make and ſubſcribe the ſaid declaration, he ſhall be deemed and ſuffer as a popiſh recuſant convict.

1 *G. ſt.* 2. c. 13. Two juſtices may ſummon recuſant.

Two juſtices may ſummon any perſon, whom they ſhall ſuſpect to be diſaffected, by writing under their hands and ſeals, to appear before them at a time prefixed, to take the oaths of allegiance, ſupremacy, and abjuration; which ſummons ſhall be ſerved on ſuch perſon, or left at his dwelling-houſe, or uſual place of abode, with one of the family there; and if ſuch perſon ſhall neglect or refuſe to appear, then, on due proof made upon oath of ſerving the ſaid ſummons, they ſhall certify the ſame to the next ſeſſions, to be there recorded: And if ſuch perſon ſhall neglect or refuſe to appear, and take the oaths at the ſaid ſeſſions (his name being publicly read at the firſt meeting of the ſaid ſeſſions), he ſhall be taken and adjudged a popiſh recuſant convict. And the ſame ſhall be from thence certified by the clerk of the peace, into the chancery or king's bench, to be there recorded.

Penalty of not reſorting to Church.

3 *J.* c. 4. Penalty on abſence from public worſhip.

ONE juſtice, on proof (in one month after default) by confeſſion, or oath of one witneſs, may call before him the party neglecting to go to church or ſome place of public worſhip on every Lord's Day; and if he ſhall not make ſufficient excuſe, on due proof thereof to the ſatisfaction of the juſtice, ſuch juſtice ſhall give warrant to the churchwarden to levy 12d. to the uſe of the poor of the pariſh for every default by diſtreſs and ſale, rendering the overplus: For want of diſtreſs, commitment till paid.

Every

Every perſon educated in the popiſh religion, ſhall, within ſix months after he ſhall be of the age of 21, take the oaths of the 1 *G. c.* 13, and make the declaration againſt popery of the 30 *C.* 2, or in default thereof, ſhall, within ſix months, regiſter the lands which he poſſeſſes. 1 *G. ſt.* 2. *c.* 55. Oaths to be taken, and declaration made.

And ſuch lands ſhall be regiſtered in the county where the houſe thereupon ſtands. 3 *G. c.* 18. Lands regiſtered.

The name of ſuch popiſh recuſant ſhall be ſubſcribed to the regiſtry, in the preſence of two juſtices in open ſeſſions, by himſelf or his lawful attorney, and two juſtices ſhall ſubſcribe their names as witneſſes, on pain of 20l. that the entry was duly made. 1 *G ſt.* 2. *c.* 55. Recuſant's name ſubſcribed.

All deeds and wills already inrolled, and every oath of the due execution thereof, adminiſtered by the cuſtos rotulorum, and two juſtices of the peace, and the deputy clerk of the peace, or any two of them (ſuch deputy clerk of the peace being one), ſhall be of the ſame force, vigour, validity, and effect, to all intents and purpoſes, as if the ſame deeds and wills had been inrolled, and as if ſuch oaths had been adminiſtered by or before the clerk of the peace in his own proper perſon. 21 *G.* 3. *c.* 51. By whom oaths adminiſtered.

No manors, lands, tenements, or hereditaments, or any intereſt therein, or rent or profit thereof, ſhall paſs, alter, or change from any papiſt, or perſon profeſſing the popiſh religion, by any deed or will, except ſuch deed within ſix months after date, and ſuch will, within ſix months after the death of the teſtator, be enrolled in one of the courts of record at Weſtminſter, or within the county where they lie, by the cuſtos rotulorum, and two juſtices of the peace, and the clerk of the peace, or two of them at leaſt, whereof the clerk of the peace to be one. 3 *G. c.* 18. Enrollment of deeds.

Any two juſtices, who ſhall know or ſuſpect, or ſhall be informed, that any perſon is, or is ſuſpected to be, a papiſt, may and ſhall tender to him the declaration in the act of 30 *C.* 2; and if he ſhall not appear, after notice by warrant under hand and ſeal given to him, or left at his uſual place of abode; or ſhall not make and ſubſcribe the declaration; he ſhall be diſabled to have or keep, in his houſe or elſewhere, or in the poſſeſſion of any other to his uſe, any arms, gunpowder, or ammunition, except ſuch weapons as ſhall be allowed by the ſeſſions for the defence of his houſe or perſon. And any two juſtices may, by warrant, authorize in the day time any perſon, with the conſtable's aſſiſtance, *to ſearch ſuch perſon's houſe for the ſame, and ſeize them for the uſe of the king. And the ſaid juſtices ſhall deliver the ſame in open court at the next ſeſſions for the uſe aforeſaid; where alſo they ſhall certify the name and place of abode of every perſon ſo ſubſcribing, or not ſubſcribing. 1 *W. c.* 15. Declaration tendered by juſtices. Recuſant's houſe may be ſearched.

* N. B. The ſeverity of theſe ſtatutes has been very much relaxed by recent acts of Parliament, in favour of Roman Catholics.

By

24 G. 3. ſeſſ. 2. c. 37. Miſſed letters, how diſpoſed of.

BY this act, from Aug. 31, 1784, whenever any foreign letter or packet ſhall be received at any general poſt-office, if any perſon employed in the ſaid office ſhall make oath that he ſuſpects it to contain goods prohibited to be imported, or liable to the payment of a duty on importation, it ſhall be lawful for him to carry the ſaid packet to any juſtice, or other magiſtrate for the town or diviſion, and in the preſence of ſuch magiſtrate to cut with a pen-knife in and through the folds of ſuch letter or packet, and its incloſure, one opening or ſlit not exceeding two inches in length; and if it ſhall appear to the ſaid magiſtrate that ſuch goods are contained therein, he ſhall, in the preſence of the ſaid officer, immediately open the ſaid letter or packet, and deſtroy ſuch goods; and in ſuch caſe, the magiſtrate ſhall incloſe ſuch letter, &c. in a cover, with an atteſtation ſigned by him, containing the name of the officer who brought it, the time of its being brought, the goods contained therein, and alſo atteſting that the ſame were deſtroyed by him: This letter, &c. to be forwarded to the commiſſioners of his Majeſty's cuſtoms, who ſhall reward the ſaid officer with any ſum not more than 5l. nor leſs than 10s.

Id. What done, if nothing found.

If no ſuch goods as aforeſaid are found therein, the magiſtrate ſhall incloſe the letter or packet in a cover, atteſting that the ſaid letter, &c. was opened in his preſence, and ſhall deliver it ſealed up to the officer, to be tranſmitted without delay to the perſon to whom it was directed, without any additional charge of poſtage.

Poſt-Office.

9 *An.* c. 10. Oath regained.

NO perſon ſhall be capable of exerciſing any employment, relating to the poſt-office, or any branch thereof, or be any way concerned in receiving, ſorting, or delivering of letters, before he ſhall have taken the following oath, before a juſtice of the peace where he reſides:

The oath.

I A. B. *do ſwear, that I will not wittingly, willingly, or knowingly open, detain, or delay, or cauſe, procure, permit, or ſuffer to be opened, detained, or delayed, any letter or letters, packet or packets, which ſhall come into my hands, power, or cuſtody, by reaſon of my employment in or relating to the poſt-office; except by the conſent of the perſon or perſons to whom the ſame is or ſhall be directed, or by an expreſs warrant in writing, under the hand of one of the principal ſecretaries of ſtate for that purpoſe; or except in ſuch caſes, where the party or parties to whom ſuch letter or letters, packet or packets, ſhall be directed, or who is or are chargeable with the payment of the port or ports thereof, ſhall refuſe or neglect to pay the ſame, and except ſuch letters or packets, as ſhall be returned for want of true directions, or when the party or parties to whom*

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